



## Legislation Text

---

File #: 44244, Version: 1

---

### Fiscal Note

The proposed resolution amends the 2016 capital budget of Engineering - Major Streets for real estate acquisition costs estimated at \$8,000 for the private development contract for the Blackhawk addition (MUNIS 11259).

The City of Madison is to be reimbursed by the developer for all costs associated with this acquisition as set forth in Contract No. 7682.

### MUNIS:

#### Budget Amendment:

\$8,000 11259-402-160  
(\$8,000) 11259-402-805

### Title

Amending the 2016 Capital Budget of Engineering-Major Streets in the amount of \$8,000 and Determining a Public Purpose and Necessity and adopting a Relocation Order for the acquisition of land interests required for the construction and maintenance of improvements for a public street. Located in part of the SW ¼ of the SW ¼ of Section 16, T7N, R8E, in the Town of Middleton. (9th AD)

### Body

#### PREAMBLE

**WHEREAS**, the City of Madison Common Council adopted Resolution Number RES-06-00667, File No. 04016 on July 18, 2006, conditionally approving the final plat of Eighth Addition to Blackhawk Subdivision and said plat was subsequently recorded upon the satisfaction of the conditions of approval on the 11th of August, 2006 in Volume 59-017B of Plats on pages 91 - 92, as Document No. 4224175; and,

**WHEREAS**, a requirement of the approval of the final plat of the Eighth Addition to Blackhawk Subdivision is for the Developer to enter into an agreement for the installation of public improvements required to serve the plat; and

**WHEREAS**, a portion of the public street improvements and associated grading and sloping required at the intersection of Big Stone Trail with Old Sauk Road within Phase 9 of the Eighth Addition to Blackhawk Subdivision will be required to cross over a portion of other lands lying westerly of and adjacent to this subdivision that are not owned by the Eighth Addition to Blackhawk Subdivision Developer; and

**WHEREAS**, the City of Madison Common Council adopted Resolution Number RES-16-00479, File No. 43222 on June 21, 2016 approving plans and specifications necessary to serve Phase 9 of the Eighth Addition to Blackhawk Subdivision and also authorizing the Mayor and City Clerk to execute a Contract For The Construction of Public Improvements To Be Accepted By The City Of Madison Eighth Addition to Blackhawk Subdivision with the Developer. Under Section II - Supplemental Conditions of said Contract, the Developer is to acquire the necessary right of way and easements, as required by the City, at the Developer's expense. In the event that the Developer is unable to acquire the sanitary sewer easements, the City shall proceed to

acquire the easements. The Developer shall reimburse the City for all costs associated with the acquisition; and

**WHEREAS**, the City of Madison Office of Real Estate Services has established a Master File / Project No. 11029 to facilitate and administer acquisition of required land interests to construct and maintain the necessary Public Street Improvements; and

**WHEREAS**, attached hereto and made part of this resolution is a City of Madison Relocation Order Map titled "PLAT OF LAND INTERESTS REQUIRED FOR THE CONSTRUCTION AND MAINTENANCE OF IMPROVEMENTS FOR A PUBLIC STREET", LOCATED IN PART OF THE SW 1/4 OF THE SW 1/4 OF SECTION 16, T 7 N, R 8 E, TOWN OF MIDDLETON, DANE COUNTY, WI; and,

**WHEREAS**, this Relocation Order Map identifies the necessary public land interest areas of acquisition as shown on the City of Madison Relocation Order Map and Schedule of Land Interests Required for the construction and maintenance of the necessary public improvements and grading and sloping associated with the Public Street Improvements; and,

**WHEREAS**, all required funding for the land interest acquisitions by the City of Madison will be available in Account Number 11259-402-160 Eighth Addition to Blackhawk Phase 9 (Easement Acquisitions).

**NOW THEREFORE BE IT RESOLVED,**

1. That this Resolution is a Relocation Order in accordance with Section 32.05(1) and 62.22, Wisconsin Statutes for the purpose of the within described public acquisition project and that this acquisition is determined to be necessity in accordance with Section 32.07(2), Wisconsin Statutes, and the acquisition shall allow for the construction of planned public street improvements and grading and sloping associated with Eighth Addition to Blackhawk Phase 9, Engineering Project No. 11259.
2. That the City of Madison hereby determines that it is necessary and a public purpose exists to acquire necessary land interests from the properties/parties as identified in the Schedule of Land Interests on the attached Relocation Order Map and such acquisitions are required to allow for the construction of said public street improvements.
3. That the Common Council of the City of Madison, does hereby adopt this relocation order to acquire the necessary land interests required for the installation of the public street improvements associated with Engineering Division Project Number 11259 - Eighth Addition to Blackhawk Phase 9 consisting of the attached Relocation Order Map in accordance with Section 32.05(1) and 62.22, Wisconsin Statutes.
4. That the Office of Real Estate Services of the Economic Development Division and the City Attorney are hereby authorized to proceed by negotiation or condemnation under authority of Section 32 and 62.22 of the Wisconsin Statutes to acquire the real estate interests shown on said Relocation Order. Also, the Office Real Estate Services is further authorized to obtain title reports, appraisals, survey information, environmental site assessment reports, and any other essential material or reports as may be necessary to perform due diligence in accomplishing the acquisition.
5. That the City Of Madison Office of Real Estate Services Division of the Economic Development Division staff shall administer the acquisition of all land interests by Real Estate Master Project No. 11029.
6. That the City of Madison Office of Real Estate Services of the Economic Development Division is

hereby authorized to execute the jurisdictional offer, lis pendens, and award of the compensation if condemnation proceedings under Section 32 of the Wisconsin Statutes are necessary.

7. That the Mayor and City Clerk are authorized to sign all necessary documents to accomplish the acquisition.
8. That in conformance with the Contract for the Construction of Public Improvements To Be Accepted by the City of Madison Eighth Addition to Blackhawk, Phase 9, the Developer shall reimburse the City of Madison for all costs associated with the acquisition(s) as identified on the Schedule of Land Interests on the attached Relocation Order Map.

**BE IT FURTHER RESOLVED**, that the 2016 Capital Budget of Engineering-Major Streets is hereby amended by the amount of \$8,000 to provide for the acquisition of the necessary easements with funding from the developer.