



Legislation Text

File #: 32136, **Version:** 1

Fiscal Note

\$500 Administrative Fee to be charged to the Engineering Division's Storm Water Utility and deposited into Account No. GN01-78231.

Title

Accepting a Permanent Limited Easement for Public Storm Water Management Purposes from the owners of parcels located at 5718 and 5802 Manufacturers Drive (Lots 87 and 88 of The Center for Industry & Commerce).

Body

WHEREAS, Loken Enterprises, LLC is the owner of the parcel located at 5718 Manufacturers Drive, Madison, Wisconsin, more particularly described in Exhibit A (the "Loken Parcel"); and

WHEREAS, Manufacturers Drive Industrial Condominium Owners Association, Inc. is the owner of the parcel located at 5802 Manufacturers Drive, Madison, Wisconsin, more particularly described in Exhibit A (the "MDI Condo Parcel"); and

WHEREAS, the Loken Parcel and the MDI Condo Parcel (collectively, the "Subject Parcels") are contiguous properties; and

WHEREAS, the County of Dane, a Wisconsin municipal corporation (the "County"), is the owner of certain property located westerly of and adjacent to the Subject Parcels; and

WHEREAS, to alleviate surface water drainage problems within the Subject Parcels emanating from the County's property, the County has agreed to install underground pipe and to construct an improved drainage way (collectively, the "Facilities") in an area running along the common lot line between the Subject Parcels; and

WHEREAS, the Owners wish to dedicate to the City of Madison a non-exclusive easement for the Facilities and have executed the necessary easement, and the City of Madison Engineering Division has reviewed and recommends the easement's acceptance.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the City Clerk are hereby authorized to accept from Loken Enterprises, LLC and Manufacturers Drive Industrial Condominium Owners Association, Inc. (collectively, the "Owners"), at no cost to the City, a non-exclusive Permanent Limited Easement for Public Storm Water Management Purposes in that portion of the Owners' parcels (the "Easement Area") more particularly described in attached Exhibit A and depicted in attached Exhibit B, on the following general terms and conditions:

1. Initial Construction of Facilities. The work of initial construction/installation of underground pipe and an improved drainage way (collectively, the "Facilities") shall be performed by the County of Dane (the "County"), at the County's sole expense, in accordance with plans and specifications agreed to by the Owners and the City. It is the City's expectation that the County and the Owners will coordinate such work between themselves.
2. Routine Maintenance by Owners. Following the initial installation/construction of the Facilities, the Owners shall perform routine maintenance of the Easement Area in accordance with the following

specifications:

- a. The Owners shall mow the Easement Area a minimum of two (2) times per year so that water flow shall be unobstructed in a ten (10)-year storm event.
 - b. The Owners shall promptly pull and clear weeds and volunteer brush and trees in the Easement Area so they are not allowed to attain a trunk size of one inch-diameter or larger.
 - c. In all cases, the Owners shall be responsible for following all applicable ordinances, codes, statutes, and laws, and obtaining all permits required for any maintenance activity.
3. Structural Maintenance by City. Following the initial installation/construction of the Facilities, the City shall perform structural maintenance of the Facilities and Easement Area in accordance with the following specifications:
- a. The City shall maintain the underground pipe and inlets so they are free of debris.
 - b. The City shall be responsible for repair and replacement of the underground pipe and inlets.
 - c. The City shall repair any damage to the physical structure of the drainage way (e.g., repair of berms, etc.)
 - d. In all cases, the City shall be responsible for following all applicable ordinances, codes, statutes, and laws, and obtaining all permits required for any maintenance activity.
4. No Grade Change or Improvements. Following the initial installation/construction of the Facilities by the County, there shall be no grade change to the Easement Area without the prior written approval of the City of Madison Engineer. No above-ground improvements will be allowed in the Easement Area by either party, with the exception that sewer access structures ("SAS's") shall be permitted.

Reservation of Use by Owners. The Owners reserve the right to use and occupy the Easement Area in a manner consistent with the rights conveyed provided that such use and occupancy shall not interfere with or disturb the construction, operation, maintenance, repair, or modification of the storm water drainage improvements.