



## Legislation Text

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### Fiscal Note

The proposed resolution would adopt a relocation order for land acquisition estimated to cost \$1.2 million. Funding for the land acquisition is available within the 2020 Adopted Capital Budget for the Stormwater Utility via the Citywide Flood Mitigation program, funded by Stormwater-supported GO Borrowing.

### MUNIS:

12964-84-110 - Dreger Land Acquisition PH2

### Title

Determining a Public Purpose and Necessity and adopting a Relocation Order for the acquisition of land interests required to construct regional storm water management facilities as part of the Lower Badger Mill Creek Pond project, in the City of Madison, Dane County, Wisconsin. (1<sup>st</sup> AD)

### Body

**WHEREAS**, the Lower Badger Mill Creek Impact Fee Needs Assessment, as adopted by the City of Madison, identifies the need for regional stormwater facilities at the corner of Mid Town Road and Meadow Road; and

**WHEREAS**, due to the historic flooding in 2018 and the increased concerns related to climate change, the City of Madison is planning for flood mitigation efforts for resiliency of our system; and

**WHEREAS**, it has been determined additional drainage improvements and additional storm water treatment and storage are necessary within lands lying south of the currently planned Lower Badger Mill Creek Pond to adequately detain and treat public storm water; and

**WHEREAS**, per the adopted and amended Mid-Town Neighborhood Development Plan, there are public regional storm water management and detention facilities planned within portions of the East 1/2 of the SE ¼ and NE 1/4 of Section 32 and also within the western portion of the SW ¼ of Section 33, Township 7 North, Range 8 East as mapped on the Land Use and Street Plan contained therein; and

**WHEREAS**, the City of Madison Engineering Division has established Engineering Project No. 11063 LBMC Regional Pond, for the design and construction of a regional stormwater management facility within City of Madison owned lands in the NE ¼ of the SE ¼ and SE ¼ of the NE ¼ of said Section 32, hereinafter the Lower Badger Mill Creek Pond; and

**WHEREAS**, City of Madison Engineering Division entered issued a purchase order on April 30, 2020 to contract with MSA Professional Services, Inc to complete a property survey and prepare a relocation order Map in accordance with WI ss32.05(1)(a) for the purchase of purchasing the and interests held by the Dreger Family lying southerly of the Lower Badger Mill Creek Pond; and

**WHEREAS**, the City of Madison Engineering Division has established Engineering Project No. 12964, Dreger Land Acquisition PH2 for the design and construction of public drainage facilities and additional area for regional stormwater management facilities south of the proposed Lower Badger Mill Creek Pond; and

**WHEREAS**, the City of Madison Office of Real Estate Services has established a Master File / Project No.

12105 to facilitate and administer the acquisition of required land interests for the construction and maintenance of the additional stormwater management facilities to be constructed; 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 STORMWATER MANAGEMENT FACILITIES", PART OF UNPLATTED LAND IN THE SE ¼ OF THE SE ¼ OF SECTION 32 AND THE SW ¼ OF THE SW ¼ OF SECTION 33, TOWNSHIP 7 NORTH, RANGE 8 EAST OF THE 4<sup>TH</sup> P.M., CITY OF MADISON, DANE COUNTY, WISCONSIN; 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 construction and maintenance of the stormwater management facilities; and,

**WHEREAS**, all required funding for the land interest acquisitions by the City of Madison will be available in Account Number 12964-84-110 Dreger Land Acquisition PH2.

**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 a necessity in accordance with Section 32.07(2), Wisconsin Statutes, and the acquisition shall allow for the construction of planned public storm water management facilities for Engineering Project No. 12964.
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 Required on the attached Relocation Order Map and such acquisitions are required to allow for the construction of said public storm water management facilities.
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 public storm water management facilities associated with Engineering Division Project Number 12964, Dreger Land Acquisition PH2, 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. 12105.
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.