



## Legislation Details (With Text)

<b>File #:</b>	38168	<b>Version:</b>	1	<b>Name:</b>	Determining a Public Purpose & Necessity & adopting a Relocation Order for the acquisition of land interests required for the construction & maintenance of a new public sidewalk being routed to preserve an Oak Tree along the northerly side of Sargent Stre
<b>Type:</b>	Resolution	<b>Status:</b>	Passed		
<b>File created:</b>	4/24/2015	<b>In control:</b>	BOARD OF PUBLIC WORKS		
<b>On agenda:</b>	5/5/2015	<b>Final action:</b>	5/19/2015		
<b>Enactment date:</b>	5/21/2015	<b>Enactment #:</b>	RES-15-00476		
<b>Title:</b>	Determining a Public Purpose and Necessity and adopting a Relocation Order for the acquisition of land interests required for the construction and maintenance of a new public sidewalk being routed to preserve an Oak Tree along the northerly side of Sargent Street at the intersection with Royster Ave. Located in part of the NW ¼ of the NW ¼ of Section 9, T7N, R10E. (15th AD)				
<b>Sponsors:</b>	David Ahrens				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. 53W1811-Relocation Order.pdf, 2. Parcel 1 - Feyrer.pdf				

Date	Ver.	Action By	Action	Result
5/19/2015	1	COMMON COUNCIL	Adopt	Pass
5/18/2015	1	PLAN COMMISSION	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
5/6/2015	1	BOARD OF PUBLIC WORKS	Return to Lead with the Recommendation for Approval	Pass
5/5/2015	1	PLAN COMMISSION	Refer	
5/5/2015	1	COMMON COUNCIL	Referred	
4/24/2015	1	Engineering Division	Referred for Introduction	

### Fiscal Note

Real Estate acquisition costs estimated at \$1,000 for this project are available in Acct. No. 10257-402-110 Royster Avenue Reconstruction (Land Acquisition).

### Title

Determining a Public Purpose and Necessity and adopting a Relocation Order for the acquisition of land interests required for the construction and maintenance of a new public sidewalk being routed to preserve an Oak Tree along the northerly side of Sargent Street at the intersection with Royster Ave. Located in part of the NW ¼ of the NW ¼ of Section 9, T7N, R10E. (15th AD)

### Body

#### PREAMBLE

**WHEREAS**, the plat of Royster Corners was conditionally approved by the Common Council on May 21, 2013, Enactment number RES-13-00415, File ID number 29562 and all conditions of approval met on May 20<sup>th</sup>, 2014 and subsequently recorded on May 27, 2014 in Volume 60-026A of Plats, pages 129 - 133 as Document No.5072241; and

**WHEREAS**, the City of Madison approved Plans, Specifications and Schedule of Assessments for Royster Corners Assessment District - 2014 on June 17, 2014, Enactment number RES-14-00486, File ID number 34269; and

**WHEREAS**, the City of Madison Engineering Division has established Engineering Project No. 10257 (53W1811) - Royster Avenue Reconstruction for the design and reconstruction of public infrastructure within Royster Avenue in conjunction with the Royster Corners development; and

**WHEREAS**, in order to preserve an Oak Tree within the Royster Avenue - Sargent Street right-of-way as recommended by the City of Madison Forestry staff, it is necessary to relocate a portion of the public sidewalk to be constructed outside of the existing public right-of-way of Sargent Street - Royster Avenue; and

**WHEREAS**, the City of Madison Office of Real Estate Services Division of the Economic Development Division has established a Master File / Project No. 10771 to facilitate and administer acquisition of required land interests to construct the necessary public improvements associated with the reconstruction of Royster Avenue; 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 right-of-way.", part of Lot 10, Block 9, first Addition to Olbrich Park Addition, located in the NW ¼ of the NW 1/4 , of Sec 9, T 7 N, R 10 E, in the City of Madison, Dane Co, WI, dated April 17, 2015; 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 Royster Avenue public street improvements; and,

**WHEREAS**, all required funding for the land interest acquisitions by the City of Madison will be available in Account Number 10257-402-110 Royster Avenue Reconstruction, land acquisition;

**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 improvements of Royster Avenue, Engineering Project No. 10257.
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 public street improvements associated with Engineering Division Project Number 10257, Royster Avenue Reconstruction, 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 Division 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, and 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. 10771.
6. That the City of Madison Office of Real Estate Services Division 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.