

COMMUNITY DEVELOPMENT AUTHORITY OF THE CITY OF MADISON, WISCONSIN

Resolution No. 2904

Granting a Public Water Main Easement to the City of Madison across Community Development Authority-owned property at 2347 Allied Drive.

Presented November 19, 2009
Referred To _____
Reported Back _____
Adopted November 19, 2009
Placed on File _____
Moved By Timothy Bruer
Seconded By Alice Fike
Yeas: 5 Nos: 0 Absent: 2
Rules Suspended _____

WHEREAS, on August 4, 2009, the City of Madison Common Council adopted Resolution Enactment No. RES-09-00694 determining a Public Purpose and Necessity and adopting a Relocation Order for the acquisition of the Plat of land interests required for construction of the Cannonball Run Pipeline Water Main Project (the "Project") located within the Allied-Dunn's Marsh Neighborhood; and

WHEREAS, on October 6, 2009, the City of Madison Common Council also adopted Resolution File ID 15975 awarding Public Works Contract No. 6382 – Cannonball Run Pipeline – 2009; and

WHEREAS, the Project will serve to improve the water supply to the Arbor Hills neighborhood and surrounding areas; and

WHEREAS, in accordance with the adopted Relocation Order, the City requires a Public Water Main Easement for the Project across the property located at 2347 Allied Drive owned by the Community Development Authority of the City of Madison ("CDA"); and

WHEREAS, CDA staff have evaluated the easement request and recommend granting the easement to the City at no cost.

NOW, THEREFORE, BE IT RESOLVED that the Community Development Authority of the City of Madison ("CDA") grants a Public Water Main Easement to the City of Madison ("City"), at no cost to the City, over the "Easement Area" legally described on attached Exhibit A and depicted on attached Exhibit B, on the following terms and conditions:

1. The work of construction, repair and maintenance by the City shall be done and completed in a good and professional manner at the sole expense of the City. The work shall be performed in a manner to not interfere with or endanger the use of the Easement Area. In all cases, the City shall be responsible for following all applicable ordinances, codes, statutes, and laws, and obtaining all permits required for any construction, repair or maintenance activity.
2. After completion of the work, or as soon thereafter as the weather reasonably permits, the City, at its expense, shall promptly restore the Easement Area to its original grade and vegetation or surface condition, including repair or replacement of pavement and concrete, and in a manner satisfactory to the CDA.

3. Following the installation of the water main facilities ("Facilities") and final grading of the Easement Area, no grade change shall be made to the Easement Area without the written consent of the City of Madison Water Utility General Manager.
4. No buildings or structures shall be constructed in the Easement Area without the prior written consent of the City of Madison Water Utility General Manager.
5. The CDA reserves the right to use and occupy the Easement Area in a manner consistent with the rights conveyed in the easement, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the Facilities.
6. Plantings and landscaping within the Easement Area shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the CDA.