

**REPORT OF:** City Traffic Engineer

**Presented** June 19, 2007

For Approving Plans and Specifications and  
Assessing Improvement Cost for The Installation  
of Street Lights in

**First Addition to Hawks Creek**

Filed in the Office of the City Traffic Engineer  
May 24, 2007

**Referred**

**Reported Back**

**Adopt**

**Rules Suspended**

**Re-Referred**

**Placed on File**

**I.D. NUMBER**

Filed in the City Clerks Office:

**Date Council Action Required:** June 19, 2007

**TO THE MAYOR AND COMMON COUNCIL:**

The Common Council having ordained that the full cost, including inspection and supervision, of the initial installation of street lights shall be assessed to the abutting properties and that assessment for street lights shall be in accordance with Section 66.0701 of the Wisconsin Statutes and Section 10.39 of the Madison General Ordinances, has directed that when the City Traffic Engineer proposes the installation of street lights assessed to the abutting properties, he shall prepare a report listing the street lights to be installed, their location and schedule of assessments.

Now, therefore, in compliance with said instruction, the City Traffic Engineer reports as follows:

1. That street lights are proposed to be installed and assessed to abutting properties listed on Exhibits A and B attached hereto, said listing including the locations of street lights to be installed, and a schedule of assessments.
2. That pursuant to such listing, the entire cost of the work improvement will be **\$ 14,766.15**
3. After having carefully viewed and examined the entire territory and the said several parcels of land or real estate affected by said improvement, and having first viewed, examined and considered severally and separately each parcel of real estate in said territory, the City Traffic Engineer has found and determined and do hereby so find and determine that the City of Madison should pay the sum of **\$ -0-** as the cost properly chargeable to the City and covered by said improvement.

DATED: May 24, 2007

NOTE: Special assessment notices and  
hearings have been waived.  
(See attached signed waivers)

**David C. Dryer, P.E.**  
City Traffic Engineer

## REGARDING THE CRITERIA OF REASONABLENESS AND BENEFIT

This report was prepared and submitted to satisfy the requirements that the City is required to show that the assessments will benefit the properties assessed in the **First Addition to Hawks Creek** Assessment District as per a recent Wisconsin State Supreme Court Decision (*Berkvam vs. The City of Glendale, 79 Wis, 2d 279.255 NW 251 (1979)*).

### **Criteria of Reasonableness**

It is the opinion of this office that the assessments are, in fact, reasonable. The assessments have been calculated in accordance with the Madison General Ordinances Section 4.09 for assessing costs for street improvements. The cost of the improvements have been assessed to the various parcels based on lot size and zoning.

### **The Properties Against which the Assessments are proposed are Benefited as follows:**

This improvement consists of the installation of street lights, which will promote and enhance the general welfare and safety of people and property in this neighborhood.

DECLARATION OF CONDITIONS AND COVENANTS  
FOR THE DEVELOPMENT/PLAT OF

First Addition to Hawks Creek  
City of Madison, Dane County, Wisconsin

WHEREAS, Badger Mill Creek, LLC  
owner of the Development/Plat known as  
(same) will  
be benefited through the installation by the City of Madison of traffic  
signals within the public right-of-way in and adjacent to said  
Development/Plat.

NOW THEREFORE, the undersigned owner, hereby declares and provides  
that said Development/Plat in the City of Madison is subject to conditions  
and covenants as follows:

1. That the owner concurs with the City of Madison's policy to promote and enhance the beauty and general welfare of the City through the planting and maintenance of street trees or shrubs and installation and maintenance of street lights, within the public right-of-way, adjacent to the owner's property.
2. That the owner acknowledges that it is the City of Madison's policy to assess the full cost, including inspection and supervision, of the initial installation of street trees and street lights.
3. That the owner, his/her heirs, successors and assigns, waives notice and hearing to the assessment for street trees and street lights in accordance with Section 66.073(7)(b), Wisconsin Statutes; Section 66.0701, Wisconsin Statutes; Paragraph (11), Section 10.10; and Paragraph (10), Section 10.39, Madison General Ordinances.

Return to: City Traffic Engineering Division  
Suite 100, Madison Municipal Building  
215 Martin Luther King Jr. Blvd,  
PO Box 2986,  
Madison, WI 53701-2986  
Pin # (See Attached)

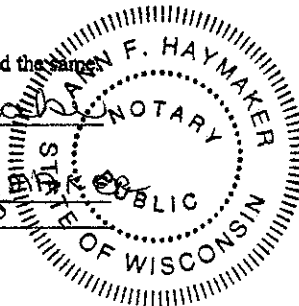
IN WITNESS WHEREOF, we have hereunto set our hands and seals this 25<sup>th</sup>  
day of April, 2007. (Use Black Ink Only)

Rick A. McKay  
\_\_\_\_\_

State of Wisconsin)  
County of Dane )ss  
Personally came before me this 25<sup>th</sup> day of April, 2007.  
The above named RICK A. MCKAY  
to me known to be the person(s) who executed the foregoing instrument and acknowledged the same

Ann F. Haymaker  
Notary Public, Dane County, Wisconsin

Print Name, ANN F. HAYMAKER  
My Commission Expires 11-14-10



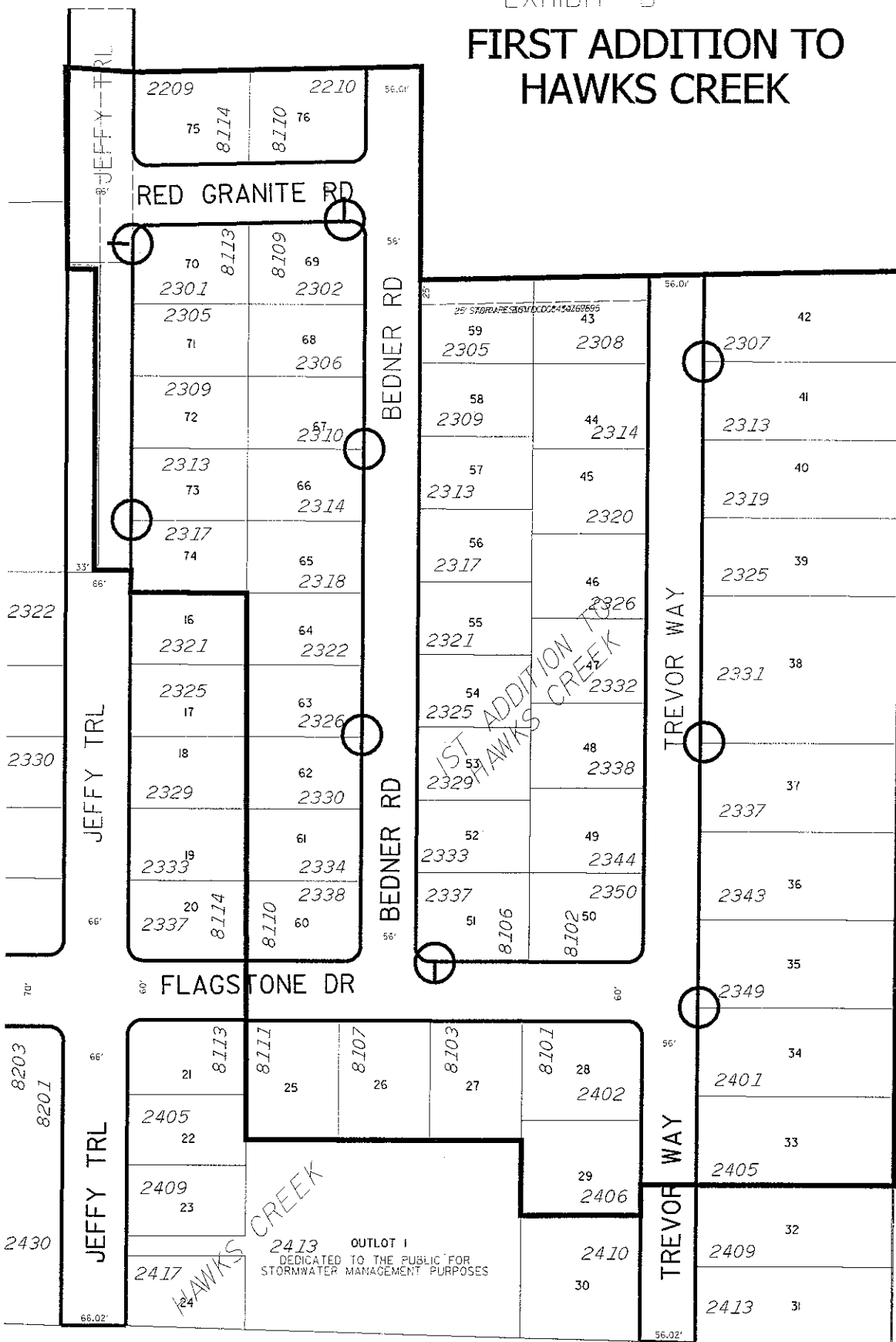
Drafted by: City Traffic Engineering Division  
Suite 100, Madison Municipal Building  
215 Martin Luther King Jr. Blvd,  
PO Box 2986,  
Madison, WI 53701-2986

JLjl



EXHIBIT "B"

FIRST ADDITION TO HAWKS CREEK



25' MOUNTING HEIGHT CONCRETE STREET LIGHT POLE