

PUBLIC EASEMENTS / EASEMENT RELEASES

Administrative Approval Request Summary

Requesting new policy for standard, routine, non-controversial easements/easement releases that, in most cases, are justified, reasonable, feasible, and often required by the City.

Eligible public utility companies that have rights to serve customers in the City limits, seeking approval to use City-owned lands via easement. For example:

- MGE
- TDS
- Spectrum
- Alliant / WP&L
- AT&T

Other easement/easement release can also include, but are not limited to the following public needs: Bus shelter, bike path, fiber optic cable, sanitary sewer, storm sewer, storm water drainage, water main, sidewalk, temporary construction, consents to occupy other City-owned easements, and miscellaneous easements such as those for driveways, retaining walls, access, ingress-egress, and cluster mailbox units.

The volume of easements/easement releases administered by the Office of Real Estate Services (“ORES”) varies annually, but results from the ORES database search counted 75 for 2018 and 63 for 2019 for the varying uses described.

For easements/easement releases that do not already have an authorizing resolution, Council approval is required. Timeline:

- Council approval: 4-8 weeks
- Staff review, resolution drafting, easement drafting: 1-2 weeks (under ideal staffing scenario)
- Public utility company needs: often immediate
- Temporary Land Use Permits no longer viable, per City Attorney

Proposed alternative:

- Authorization for administrative approval of non-controversial, standard public easements, set forth by resolution to Common Council (as opposed to Madison General Ordinance)
- Qualifying easements/easement releases shall reference authorizing resolution information
- Easement/easement releases shall be reviewed/approved by City agency department heads and area Alder
- Easement/easement releases continue to be signed by Mayor/Clerk

Projects on City-owned property often require City landowner to request easements/easement releases. Otherwise, utility companies approach City landowner agencies for easements. Possible approving/requesting City agencies are:

- Engineering
- Parks
- Parking Utility
- Economic Development Division
- Water Utility
- Metro
- CDA

Review process:

- Modeled after Privilege in Streets application review/approval, with agency landowner as lead
- Each easement request would be on case-by-case basis
- Administrative approval not guaranteed

- Agency lead/Alder could recommend easement resolution to council, if easement impacts and/or location warrants further discussion

Benefits:

- Lower volume of council agenda items – avoid the need for introductions from the floor
- Time savings - less delay in service to the public (easement needs are difficult to anticipate and are often last minute conditions of approval)
- Cost savings (staff time)
- Improved relationship with public utility companies
- Faster easement recording keeps development/redevelopment projects on schedule
- Many easements are conditions of approval already vetted by the lead City agency
- More time for City staff to keep other projects moving forward, rather than drafting and reviewing rush resolutions for easement needs