



Legislation Details (With Text)

**File #:** 68659      **Version:** 1      **Name:** Cowling Acquisition  
**Type:** Resolution      **Status:** Passed  
**File created:** 12/1/2021      **In control:** Parks Division  
**On agenda:** 1/18/2022      **Final action:** 1/18/2022  
**Enactment date:** 1/24/2022      **Enactment #:** RES-22-00030

**Title:** Authorizing an Agreement with Dane County, along with the land purchase, land division and annexation of approximately 8 acres of land located in the Town of Verona to extend the Ice Age National Scenic Trail and Amending the Parks Division Capital Budget to include funding for the acquisition.

**Sponsors:** Satya V. Rhodes-Conway, Syed Abbas, Yannette Figueroa Cole, Nasra Wehelie

**Indexes:**

**Code sections:**

**Attachments:** 1. PC Locator Maps.pdf, 2. Cowling Property Legal Description - EXHIBIT A.pdf, 3. Cowling Property Area Map - Exhibit B.pdf, 4. Cowling Property Subject Map - Exhibit C.pdf

Date	Ver.	Action By	Action	Result
1/18/2022	1	COMMON COUNCIL	Adopt - 15 Votes Required	Pass
1/10/2022	1	FINANCE COMMITTEE	RECOMMEND TO COUNCIL TO ADOPT (15 VOTES REQUIRED) - REPORT OF OFFICER	Pass
12/13/2021	1	PLAN COMMISSION	Return to Lead with the Recommendation for Approval	Pass
12/8/2021	1	BOARD OF PARK COMMISSIONERS	Return to Lead with the Recommendation for Approval	Pass
12/7/2021	1	FINANCE COMMITTEE	Referred	
12/7/2021	1	FINANCE COMMITTEE	Referred	
12/7/2021	1	COMMON COUNCIL	Refer	Pass
12/1/2021	1	Parks Division	Referred for Introduction	

**Fiscal Note**

The proposed resolution authorizes the execution of an Agreement between the City of Madison and Dane County, to possibly include the City of Verona and the Town of Verona, for the purchase of a property located in the Town of Verona to extend the Ice Age National Scenic Trail. The total purchase price is established at \$2,700,000 for 40 acres of land. The City of Madison will pay Dane County \$540,000 to acquire 20% of the property following closing. The total purchase price of \$2,700,000 will be broken out as follows: Dane County - \$1,660,000, City of Madison - \$540,000, and City of Verona - \$500,000. The proposed resolution also authorizes the future land division of the property to perfect the City's ownership, and the subsequent annexation of the City's portion of the property to the City, ultimately providing the City with approximately 8 additional acres along the southern edge of Moraine Woods. This resolution also amends the Parks Division 2022 Capital Budget by providing an additional \$10,085 in expenditure authority the Park Land Impact Fee Fund (in addition to the \$549,915 in expenditure authority in the Citywide Parkland Impact Fee Fund authorized in the 2022 Adopted Budget) to the Cowling Project for the acquisition, CSM, and annexation costs.

**Referrals**

Intro: CC (12/7/21)

BPC (12/8/21)  
Plan Commission (12/13/21)  
Finance (Lead) (1/10/22)  
CC (1/18/22)

### Title

Authorizing an Agreement with Dane County, along with the land purchase, land division and annexation of approximately 8 acres of land located in the Town of Verona to extend the Ice Age National Scenic Trail and Amending the Parks Division Capital Budget to include funding for the acquisition.

### Body

WHEREAS, the Ice Age National Scenic Trail (the "Trail"), extending approximately one thousand miles, from Door County, Wisconsin, to Polk County, Wisconsin, has been recognized by the United States as providing nationally significant scenic, historic, natural and cultural qualities of that glaciated region; and,

WHEREAS, over the past sixty-years, numerous entities, including the City, the County, the State of Wisconsin and the Ice Age Trail Alliance, Inc., have worked together to secure the property interests needed to establish, develop and protect the Trail; and,

WHEREAS, over time, the City has expended significant resources on securing property interests to establish portions of the Trail; and,

WHEREAS, the County has established the Trail as a priority in its Parks and Open Space Plan to acquire lands and conservation easements in order to provide Trail connections through Dane County and to protect the natural, open space, agricultural and conservation qualities and environmentally significant areas associated with the Trail for recreational and open space uses; and,

WHEREAS, in 2018 the City purchased 40 acres of land along Woods Road for the purposes of the Trail, which land is now known as the Moraine Woods Conservation Park; and,

WHEREAS, Dane County has negotiated the purchase of the 40 acres of vacant land located adjacent to the southern boundary of Moraine Woods Conservation Park for the purposes of the Trail, which land is located in the Town of Verona, Dane County, Wisconsin, as legally described on attached Exhibit A and depicted on attached Exhibit B and Exhibit C (the "Property"); and,

WHEREAS, the Property is primarily recommended for Park and Open Space uses in the City's 2018 Comprehensive Plan; and,

WHEREAS, Dane County and the City of Madison, along with the City of Verona and the Town of Verona, wish to work towards collective conservation efforts and future expansion of the Trail by jointly purchasing the Property from the current property owners, Mary M. Christiansen, Loveday Herrling, and the Martha G. Cowling Revocable Trust, at a price of \$2,700,000.00; and,

WHEREAS, the parties have agreed to provide funding of the purchase as follows: Dane County \$1,660,000, City of Madison \$540,000 and City of Verona \$500,000; and,

WHEREAS, following Dane County's closing of the purchase and sale, Dane County and the City will be joint tenants, the County holding 80% fee title and the City hold 20% fee title. Subsequent to the purchase, the City and County will initiate a land division by Certified Survey Map, at the City's expense, to split off the City's 20% of the property, which would provide the City with approximately 8 acres on the northern edge of the Property directly adjacent to Moraine Woods; and,

WHEREAS, as the City endeavors to annex or attach properties it owns into its corporate limits whenever

practical, following the land division and the recording of any documents needed to perfect the City's ownership interests, it will be necessary to annex the City's land to the City; and,

WHEREAS, as part of the acquisition, Dane County will require a trail and conservation easement over the Property, consistent with the easement previously provided over the Moraine Woods property, the purpose of which is to foster public enjoyment, understanding and respect for the beauty, flora, fauna, geology and health-giving values of the natural surroundings of a trail corridor; to provide for the construction, maintenance and use of the Trail as a footpath by the general public; and to preserve the natural habitat, conservation and open space values of the Property for the benefit of present and future generations.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Madison authorizes the execution of an Agreement between the City and Dane County to allow for the City's contribution of \$540,000 towards the joint purchase of 40 acres of vacant land for conservation park purposes, as legally described on attached Exhibit A and depicted on attached Exhibit B, which agreement shall be consistent with the terms set forth herein and as agreed to by the Parks Superintendent, on a form and in a manner that has been approved by the City Attorney; and,

BE IT FURTHER RESOLVED that the 2022 Adopted Parks Division Capital Budget be amended to include up to \$560,000 in total expenditure authority, including the \$549,915 authorized in the 2022 adopted budget from the Citywide Parkland Impact Fee Fund and \$10,085 in new expenditure authority from the Parkland Impact Fee Fund, for the Cowling project, which costs are to include the purchase price, and any other costs associated with the land division and annexation of the City's portion of the property; and,

BE IT FURTHER RESOLVED that the Mayor and Clerk are authorized to sign and accept any and all documents and legal instruments required to complete the transactions contemplated in this resolution, including a Certified Survey Map of the Property and quit claim deeds that assert the City's ownership, on a form and in a manner that has been approved by the City Attorney; and,

BE IT FURTHER RESOLVED that, following the purchase and land division, the Mayor and City Clerk are hereby authorized to execute an annexation petition and all documents related thereto to cause the City's portion of the Property to be annexed to the City from the Town of Verona; and,

BE IT FURTHER RESOLVED that the Office of Real Estate Services, Parks Division, and Planning Division are authorized to complete the annexation petition and file it with the Town of Verona and City Clerk; and,

BE IT FURTHER RESOLVED that the Common Council of the City of Madison hereby authorizes the City to grant and execute a Trail and Conservation Easement (the "Easement") to the County, over, across and on the Property, on terms and conditions as approved by the City Attorney and consistent with the Trail and Conservation Easement previously provided to the County over the Moraine Woods Conservation Park (Doc. No. 5456722); and,

BE IT FINALLY RESOLVED that the Mayor and City Clerk are authorized to execute any other documents that may be required or necessary to acquire the above noted property on the City's behalf and recognize the joint agreement between the parties as expressed herein, on a form and in a manner that has been approved by the City Attorney.