



Legislation Details (With Text)

**File #:** 11505      **Version:** 1      **Name:** #4666 1st Amendment to Easement

**Type:** Resolution      **Status:** Passed

**File created:** 7/30/2008      **In control:** PEDESTRIAN/BICYCLE/MOTOR VEHICLE COMMISSION (ended 6/2018)

**On agenda:** 10/7/2008      **Final action:** 10/7/2008

**Enactment date:** 10/7/2008      **Enactment #:** RES-08-00958

**Title:** Authorizing the execution of a First Amendment to Easement pertaining to a Public Utility Easement from the City to Wisconsin Bell, Inc., d/b/a AT&T Wisconsin, within the Isthmus Bike Path located at 320 Division Street.

**Sponsors:** Marsha A. Rummel

**Indexes:**

**Code sections:**

**Attachments:** 1. 4666 AT&T Easement Amendment-Exhibit A.pdf, 2. 4666 AT&T Easement Amendment - Exhibit B.pdf

Date	Ver.	Action By	Action	Result
10/7/2008	1	COMMON COUNCIL	Adopt	Pass
9/23/2008	1	PEDESTRIAN/BICYCLE/MOTOR VEHICLE COMMISSION (ended 6/2018)	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
8/18/2008	1	PLAN COMMISSION	Return to Lead with the Recommendation for Approval	Pass
8/5/2008	1	PEDESTRIAN/BICYCLE/MOTOR VEHICLE COMMISSION (ended 6/2018)	Refer	
8/5/2008	1	COMMON COUNCIL	Refer	
7/30/2008	1	Community and Economic Development Unit	Referred for Introduction	

**Fiscal Note**

\$500 administrative fee to be deposited into Account No. GN01-78231.

**Title**

Authorizing the execution of a First Amendment to Easement pertaining to a Public Utility Easement from the City to Wisconsin Bell, Inc., d/b/a AT&T Wisconsin, within the Isthmus Bike Path located at 320 Division Street.

**Body**

WHEREAS, the City of Madison and Wisconsin Bell, Inc., d/b/a AT&T Wisconsin ("AT&T") are parties to a certain Public Utility Easement, dated January 11, 2000 (the "Easement") allowing AT&T to install one utility cabinet and related underground cables and conduit (collectively, the "Facilities") within the Isthmus Bike Path located at 320 Division Street; and

WHEREAS, such Easement was authorized by Resolution No. 56775, ID No. 26436, adopted by the Common Council on January 4, 2000, and was recorded with the Dane County Register of Deeds on January 13, 2000, as Document No. 3185518; and

WHEREAS, the area of the easement ("Easement Area") is approximately 160 sq. ft.; and

WHEREAS, it has come to the attention of the parties that the as-built location of the Facilities actually extends beyond the limits of the Easement Area; and

WHEREAS, AT&T has requested that the Easement Area be enlarged to approximately 357 sq. ft. to accommodate the Facilities; and

WHEREAS, AT&T has also requested that an additional cabinet be permitted within the expanded Easement Area to enable AT&T to upgrade its facilities from digital to fiber optic service; and

WHEREAS, City of Madison Engineering Division staff have reviewed and approve of enlarging the easement area and allowing the placement of an additional cabinet; and

WHEREAS, the City of Madison Real Estate Section has prepared a First Amendment to Easement for such purposes, and AT&T has reviewed and approves of the Amendment.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the City Clerk are hereby authorized to execute a First Amendment to Easement pertaining to the existing Public Utility Easement, dated January 11, 2000 (the "Easement"), from the City of Madison to Wisconsin Bell, Inc. d/b/a AT&T Wisconsin ("AT&T"), which First Amendment to Easement shall be on the following terms and conditions:

1. The legal description of the Easement Area shall be revised to read as follows:

A parcel of land located within the Isthmus Bike Path, located in part of the Southwest Quarter of the Southeast Quarter of Section 06, Township 07 North, Range 10 East, City of Madison, Dane County, Wisconsin, more particularly described as follows:

Beginning at the Northeast Corner of Parcel Number 8 of the City of Madison Plat of Survey in the Dane County Register of Deeds Office; thence, along the southerly line of said Parcel Number 8, South 53 degrees 28 minutes 00 seconds West a distance of 16.00 feet; thence North 35 degrees 59 minutes 57 seconds West a distance of 17.00 feet; thence, parallel to the Southerly line of said Parcel, North 53 degrees 28 minutes 00 seconds East a distance of 24.74 feet to a point on a curve of the west right-of-way line of Division Street; thence, along the arc of said curve to the right a distance of 19.29 feet, said curve having a radius of 55.00 feet and a chord that bears South 08 degrees 54 minutes 00 seconds East a distance of 19.19 feet to the point of beginning. Said parcel contains approximately 357square feet.

2. Exhibit A to the Easement is deleted and attached Exhibit A (Revised) is inserted in its place.
3. AT&T shall be permitted to install one additional cabinet together with a pad and underground cables and conduit (collectively, the "Additional Facilities") within the revised Easement Area, as depicted on Exhibit B.
4. Construction of the Additional Facilities shall not commence without the prior written approval of applicable plans and specifications by the City Engineer or his designee.
5. All other provisions of the Easement shall apply to the Additional Facilities and shall remain in full force and effect.