



Legislation Details (With Text)

**File #:** 61879      **Version:** 1      **Name:** 12146 - Easement 1502 W Broadway  
**Type:** Resolution      **Status:** Passed  
**File created:** 8/24/2020      **In control:** Economic Development Division  
**On agenda:** 10/6/2020      **Final action:** 10/6/2020  
**Enactment date:** 10/13/2020      **Enactment #:** RES-20-00691

**Title:** Authorizing the Mayor and the City Clerk to execute a Consent to Occupy Public Sanitary Sewer Easement for the benefit of Malazi LLC, a Wisconsin limited liability company, or their successors and assigns, to allow certain private improvements within an existing easement granted to the public for sanitary sewer purposes on the property located at 1502 W. Broadway. (14th A.D.)

**Sponsors:** Sheri Carter

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A - Legal Description.pdf, 2. Exhibit B - Easement & Encroachments.pdf, 3. Exhibit - Terms & Conditions - Consent to Occupy Easement.pdf

Date	Ver.	Action By	Action	Result
10/6/2020	1	COMMON COUNCIL	Adopt Unanimously	Pass
9/16/2020	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
9/14/2020	1	PLAN COMMISSION	Return to Lead with the Recommendation for Approval	Pass
9/1/2020	1	BOARD OF PUBLIC WORKS	Referred	
9/1/2020	1	COMMON COUNCIL	Refer	Pass
8/24/2020	1	Economic Development Division	Referred for Introduction	

**Fiscal Note**

The City’s Engineering Division has reviewed and approved the proposed Consent to Occupy Easement. No City appropriation is required.

**Title**

Authorizing the Mayor and the City Clerk to execute a Consent to Occupy Public Sanitary Sewer Easement for the benefit of Malazi LLC, a Wisconsin limited liability company, or their successors and assigns, to allow certain private improvements within an existing easement granted to the public for sanitary sewer purposes on the property located at 1502 W. Broadway. (14th A.D.)

**Body**

WHEREAS, Malazi LLC, a Wisconsin limited liability company (“Owner”), submitted a Permitted Use Site Plan Review application to the City of Madison (“City”), seeking approval to construct a multi-tenant commercial building, identified as LNDUSE-2020-00032 (“Project”); and

WHEREAS, the Project affects the Owner’s property located at 1502 W. Broadway in the City of Madison, Dane County, Wisconsin, legally described in attached Exhibit A (“Property”); and

WHEREAS, the City is the grantee of a Public Sanitary Sewer Easement that runs through a portion of the Property, with said easement having been set forth by Certified Survey Map No. 11912, recorded as Document No. 4235707 on September 18, 2006, in the Office of the Register of Deeds in Dane County, Wisconsin (“City Easement”); and

WHEREAS, various proposed improvements associated with the Project are proposed to encroach upon a portion of the City Easement on the Property, as depicted on attached Exhibit B; and

WHEREAS, as a condition of the Project's approval, a Consent to Occupy Easement ("Consent") is required by the City's Engineering Division to memorialize the placement of the following private storm sewer improvements in, on and across the City Easement (together, the "Permitted Encroachments"); and

Permitted Encroachments

- A 24" RCP storm sewer pipe & outfall
- B underdrain cleanout
- C 6" PVC underdrain
- D bioretention basin
- E exterior storm sewer catch basin
- F 15" RCP storm sewer pipe
- G curb & gutter
- H retaining wall

WHEREAS, the City's Engineering Division has reviewed the location of the Permitted Encroachments in relation to the City Easement, and recommends the City's execution of a Consent for the benefit of the Owner, subject to the terms and conditions specified therein.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the City Clerk are hereby authorized to execute a Consent to Occupy Public Sanitary Sewer Easement, for the Permitted Encroachments depicted on attached Exhibit B.