



## Legislation Details (With Text)

**File #:** 10722      **Version:** 1      **Name:** Accepting revised easement from Dane County; Carpenter Street Assessment Waiver

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

**File created:** 5/30/2008      **In control:** BOARD OF ESTIMATES (ended 4/2017)

**On agenda:** 7/15/2008      **Final action:** 7/15/2008

**Enactment date:** 7/15/2008      **Enactment #:** RES-08-00716

**Title:** Accepting revised easement and transferring funds to reflect increased payment for easement and payment of special assessment on behalf of Dane County.

**Sponsors:** David J. Cieslewicz

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
7/15/2008	1	COMMON COUNCIL	Adopt	Pass
7/7/2008	1	BOARD OF ESTIMATES (ended 4/2017)	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
7/1/2008	1	COMMON COUNCIL	Refer	
6/25/2008	1	Attorney's Office	Referred for Introduction	

### Fiscal Note

Sufficient budget authority is available in the Carpenter Street reconstruction project (810363) to accommodate the \$18,539.78 cost of this easement, funded by the special assessment payment from Dane County.

### Title

Accepting revised easement and transferring funds to reflect increased payment for easement and payment of special assessment on behalf of Dane County.

### Body

WHEREAS, in 2001, by Resolution No. 57986, ID No. 28824, the City agreed to an improvement of Carpenter Street and provided for obtaining the necessary real estate rights to do so, and to impose special assessments for the project; and

WHEREAS, pursuant to that Resolution, the City received an easement from Dane County and imposed a special assessment on the County; and

WHEREAS, the easement improperly stated that Dane County would be exempt from a special assessment, when in fact the cost of the assessment was to be included in the payment to Dane County for the easement; and

WHEREAS, the City Attorney has determined that the City has no authority to waive a special assessment; and

WHEREAS, the County has agreed to provide a revised easement that does not mention waiver of special assessments, in return for the City paying to the County an additional amount in compensation for the

easement, which will then be used to pay the City for the County's special assessment; and

WHEREAS, this may be done by accounting entries by the City Comptroller and without any necessary budget adjustment and with no net additional costs to the City or the County.

NOW, THEREFORE, BE IT HEREBY RESOLVED:

1. That City of Madison is authorized to accept a revised easement from Dane County, which will not include any reference to waiver of special assessments.
2. That the City Comptroller is authorized to make the necessary accounting entries to reflect an additional payment to the County of \$18,539.78, for the acquired easement, and to apply the same amount to the outstanding special assessment of Dane County.
3. That the amount of the easement will be expensed to the Carpenter Street capital project (Account No. CS53-58130-810363-00-53B0396-00000000-00000000). Revenue in the special assessment fund will record the payment of Dane County's assessment (Account No. CA01-72120-000000-00-0000000-00000000-00000000).