



Legislation Details (With Text)

**File #:** 07748      **Version:** 1      **Name:** Determining a Public Purpose & Necessity & adopting a Relocation Order for the acquisition of Plat of land interests required for the construction of sidewalk within the property at 6102 Schroeder Rd related to Sidewalk & Curb & Gutter, Citywide Install.

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

**File created:** 10/10/2007      **In control:** BOARD OF PUBLIC WORKS

**On agenda:** 11/20/2007      **Final action:** 11/20/2007

**Enactment date:** 11/20/2007      **Enactment #:** RES-07-01094

**Title:** Determining a Public Purpose and Necessity and adopting a Relocation Order for the acquisition of Plat of land interests required for the construction of sidewalk within the property at 6102 Schroeder Road related to Sidewalk and Curb & Gutter, Citywide Installation and Repair-2007-Engineering Project No. 53W0417. (1st AD)

**Sponsors:** Jed Sanborn

**Indexes:**

**Code sections:**

**Attachments:** 1. Schroeder\_Sdwk\_Relocation\_Order\_Map.pdf, 2. 7748.pdf, 3. Schroeder\_Sdwk\_Relocation\_Order\_Map\_Revised\_2008\_02\_04.pdf

Date	Ver.	Action By	Action	Result
11/20/2007	1	COMMON COUNCIL	Adopt and Close the Public Hearing	Pass
11/7/2007	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING	Pass
11/5/2007	1	PLAN COMMISSION	Return to Lead with the Recommendation for Approval	Pass
10/16/2007	1	BOARD OF PUBLIC WORKS	Refer	
10/16/2007	1	COMMON COUNCIL	Refer For Public Hearing	Pass
10/10/2007	1	Engineering Division	Fiscal Note Required / Approval	
10/10/2007	1	Finance Dept/Approval Group	Approved Fiscal Note By The Comptroller's Office	
10/10/2007	1	Engineering Division	Referred for Introduction	

**Fiscal Note**

The estimated land interest acquisition costs and Real Estate staff time, funds not to exceed \$3,000 is available in: CS53-58110-810376-00-53W0417.

**Title**

Determining a Public Purpose and Necessity and adopting a Relocation Order for the acquisition of Plat of land interests required for the construction of sidewalk within the property at 6102 Schroeder Road related to Sidewalk and Curb & Gutter, Citywide Installation and Repair-2007-Engineering Project No. 53W0417. (1st AD)

**Body**

**WHEREAS**, the City of Madison Common Council on February 6, 2007 adopted RES-07-00188 Approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for Sidewalk and Curb & Gutter, Citywide Installation and Repair-2007. (City Wide); and

**WHEREAS**, said City of Madison Sidewalk and Curb & Gutter, Citywide Installation and Repair-2007 includes the construction of new sidewalk along the north side of Schroeder Road to allow connectivity of existing sidewalks on both

sides of a City of Madison jurisdiction, Corner Stone Development II, LLC owned, property at 6102 Schroeder Road which is south of, and adjacent to a Town of Middleton jurisdiction, Corner Stone Development II, LLC owned, property at 6004 Schroeder Road; and

**WHEREAS**, the proposed Schroeder Road sidewalk construction is currently scheduled to occur in 2008; and

**WHEREAS**, the City of Madison Common Council on September 16, 2003 adopted Resolution No. 60,882, I.D. No. 34,687, Adopting the final version of the City of Madison and Town of Middleton Cooperative Plan under Section 66.0307, Wisconsin Statutes, authorizing the Mayor and City Clerk to execute the Plan and directing the City Attorney to submit the Plan to the State of Wisconsin Department of Administration for approval; and

**WHEREAS**, said City of Madison and Town of Middleton Cooperative Plan was submitted to the State of Wisconsin Department of Administration and approved with an effective date of January 1, 2004; and

**WHEREAS**, said City of Madison and Town of Middleton Cooperative Plan under Section 66.0307, Wisconsin Statutes, allowed for and annexed the adjacent 33 feet public right-of-way for Schroeder Road together with a seven (7) feet wide strip, north of, and parallel with said right-of-way adjacent to the subject remaining Town of Middleton island parcel at 6004 Schroeder Road; and

**WHEREAS**, the construction of the proposed Schroeder Road sidewalk requires the acquisition of land interests for the subject seven (7) feet wide City of Madison parcel as identified on the Relocation Order Map attached and made part of this resolution; and

**WHEREAS**, said City of Madison and Town of Middleton Cooperative Plan, City of Madison General Ordinances and Wisconsin State Law allows for the City of Madison to levy special assessments against the seven (7) feet wide City of Madison parcel and adjacent Town of Middleton parcel for public improvements, such as the proposed sidewalk, which directly benefit the subject parcel; and

**WHEREAS**, upon annexation of the subject seven (7) feet wide strip in 2003, the City of Madison Assessor's Office placed a zero (0) dollar value exempting said strip from City of Madison property taxes; and

**WHEREAS**, the subject seven (7) feet wide strip is reserved for future right-of-way for Schroeder Road on the City of Madison Official Map; and

**WHEREAS**, upon annexation and development of the remnant adjacent Town of Middleton parcel at 6004 Schroeder Road, the subject seven (7) feet wide strip would be conditioned to be dedicated to the public, at no cost, for Schroeder Road right-of-way; and

**WHEREAS**, the City of Madison Engineering Division desires to complete this sidewalk connection now rather than waiting for the adjacent Town of Middleton parcel to annex and develop; and

**WHEREAS**, the City of Madison Real Estate Department has created Project No. 8856 - as a master file to administer all necessary land interest acquisitions; and

**BE IT RESOLVED**, the City of Madison, Dane County, Wisconsin, by its City Council and for its Relocation Order hereby resolves as follows:

1. That this Resolution is a Relocation Order in accordance with Section 32.05(1) and 62.22, Wisconsin Statutes for the purpose of the within described public acquisition project and that this acquisition is determined to be necessary in accordance with Section 32.07(2), Wisconsin Statutes, and the acquisition shall allow for the construction of public sidewalk along the north side of Schroeder Road in accordance with Sidewalk and Curb & Gutter, Citywide Installation and Repair-2007-Engineering Project No. 53W0417;
2. That the City of Madison Real Estate Section of the Community and Economic Development Unit and the City Attorney are hereby authorized to proceed by negotiation or condemnation under authority of Section 32 and 62.22 of the Wisconsin Statutes to acquire the real estate interests shown on said Relocation Order, and the Real Estate Section is further authorized to obtain title reports, appraisals, survey information, environmental site assessment reports, and any other essential material or reports as may be necessary to perform due diligence in accomplishing the acquisition;

3. That the City of Madison Real Estate Section of the Community and Economic Development Unit is hereby authorized to execute the jurisdictional offer, lis pendens, and award of the compensation if condemnation proceedings under Section 32 of the Wisconsin Statutes are necessary;
4. That the Mayor and City Clerk are authorized to sign all necessary documents necessary to accomplish the acquisition.