



Legislation Details (With Text)

**File #:** 55071      **Version:** 1      **Name:** Determining a Public Purpose and Necessity and adopting a Relocation Order for the acquisition of land interests required for the construction of improvements for Dairy Drive between Femrite Drive and E. Broadway. Located in part of the SW ¼ of the SE ¼ o

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

**File created:** 3/13/2019      **In control:** Engineering Division

**On agenda:** 4/16/2019      **Final action:** 4/16/2019

**Enactment date:** 4/22/2019      **Enactment #:** RES-19-00287

**Title:** Determining a Public Purpose and Necessity and adopting a Relocation Order for the acquisition of land interests required for the construction of improvements for Dairy Drive between Femrite Drive and E. Broadway. Located in part of the SW ¼ of the SE ¼ of Section 22, T7N, R10E, in the City of Madison. (16th AD)

**Sponsors:** Michael J. Tierney

**Indexes:**

**Code sections:**

**Attachments:** 1. Vicinity Map Dairy Drive ENGR 11865.pdf, 2. Relocation Order Dairy Drive 2019.pdf

Date	Ver.	Action By	Action	Result
4/16/2019	1	COMMON COUNCIL	Adopt	Pass
4/3/2019	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
3/25/2019	1	PLAN COMMISSION	Return to Lead with the Recommendation for Approval	Pass
3/19/2019	1	BOARD OF PUBLIC WORKS	Referred	
3/19/2019	1	COMMON COUNCIL	Refer	Pass
3/13/2019	1	Engineering Division	Referred for Introduction	

**Fiscal Note**

The proposed resolution authorizes the land interest acquisition and relocation at an estimated cost, including City Real Estate staff time and related administration costs, not to exceed \$ 708,000. Funding is provided via the adopted 2019 capital budget in Engineering Major streets with the Dairy Drive street construction project, funded by special assessments.

**MUNIS:**

11865-402-160 Dairy Drive - Easements, (\$8,000 Easement Acquisition)  
11865-402-110 Dairy Drive - Land, (\$700,000 Fee Acquisition)

**Title**

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**Body**

PREAMBLE

**WHEREAS**, the City of Madison Common Council adopted resolution RES-08-00616, File ID 09550 on June 3, 2008 adopting the Stoughton Road Revitalization Project Plan. Within the approved plan is the Gateway Development Area in the northeast corner of the U.S. Highway 12-18 and S. Stoughton Road interchange. The plan recommends in the future a new grid street network to allow for better connectivity between disconnected areas. The extension of Dairy Drive to connect to E. Broadway frontage road is contemplated by the plan and consistent with future goals of the plan; and,

**WHEREAS**, the City of Madison Common Council adopted resolution RES-19-00018, File ID 53949 on January 8, 2019 establishing an assessment district known as the Dairy Drive Assessment District - 2019 from Femrite Dr. to E. Broadway to construct new sanitary sewer, water main, storm sewer, pavement, curb and gutter, sidewalk and street lighting (public street improvements); and

**WHEREAS**, the City of Madison Engineering Division has established Munis Project Number 11865 Dairy Drive, for the design and administration of the public street construction project; and,

**WHEREAS**, acquisition of public land interests are required to accomplish the proposed construction of the Dairy Drive public street improvements from Femrite Drive to E. Broadway; and,

**WHEREAS**, the City of Madison Office of Real Estate Services of the Economic Development Division has established a Master File / Project No. 11700 to facilitate and administer the acquisition of the required land interests to construct the necessary public street improvements associated with the Dairy Drive connection; and,

**WHEREAS**, attached hereto and made part of this resolution is a City of Madison Relocation Order Map titled "PLAT OF LAND INTERESTS REQUIRED FOR THE CONSTRUCTION AND MAINTENANCE OF IMPROVEMENTS FOR A PUBLIC STREET" LOCATED IN OUTLOTS 32 & 33, ASSESSOR'S PLAT NO. 3 TOWNSHIP OF BLOOMING GROVE AND ALSO PART OF THE SW 1 / 4 OF THE SE 1 / 4 OF SEC. 22, T 7 N, R 10 E, CITY OF MADISON, DANE COUNTY, WI.; and,

**WHEREAS**, this Relocation Order identifies the necessary public land interest areas of acquisition as shown on the City of Madison Relocation Order Map and Schedule of Lands & Interests Required for the construction of the Dairy Drive public street improvements; and,

**WHEREAS**, all required funding for the land interest acquisitions by the City of Madison will be available in Account Numbers 11865-402-160 Dairy Drive (Easement Acquisition) and 11865-402-110 Dairy Drive (Fee Acquisition).

**NOW THEREFORE BE IT RESOLVED**, that the City of Madison, Dane County, Wisconsin, by its City Common 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 a necessity in accordance with Section 32.07(2), Wisconsin Statutes, and the acquisition shall allow for the construction of planned public improvements of the Dairy Drive connection from Femrite Drive to E. Broadway.
2. That the City of Madison hereby determines that it is necessary and a public purpose exists to acquire necessary land interests from the properties/parties as identified in the Schedule of Lands & Interests Required on the attached Relocation Order Map and such acquisitions are required to allow for the construction of said public improvements.

3. That the Common Council of the City of Madison, does hereby adopt this relocation order to acquire the necessary land interests required for the construction of planned public improvements associated with Engineering Division Project Number 11865 - Dairy Drive, consisting of the attached Relocation Order Map in accordance with Section 32.05(1) and 62.22, Wisconsin Statutes.
4. That the Office of Real Estate Services of the Economic Development Division 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 any Uneconomic Remnant (Section 32.05(3m) of the Wisconsin Statutes) that may be subsequently determined to exist by the City of Madison. Also, the Office Real Estate Services 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 acquisitions.
5. That the City Of Madison Office of Real Estate Services Division of the Economic Development Division staff shall administer the acquisition of all land interests and any required statutory relocation payments and/or assistance by Real Estate Master Project No. 11700.
6. That the City of Madison Office of Real Estate Services of the Economic Development Division 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.
7. That the Mayor and City Clerk are authorized to sign all necessary documents to accomplish the acquisitions.