



Legislation Details (With Text)

**File #:** 22077      **Version:** 1      **Name:** Determining a Public Purpose and necessity and adopting a Relocation Order for Lower Badger Mill Creek Interceptor Sewer acquisitions of Plat of land interests from two town of Middleton properties for the Lower Badger Mill Creek Interceptor Sewer Segment

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

**File created:** 4/11/2011      **In control:** BOARD OF PUBLIC WORKS

**On agenda:** 5/17/2011      **Final action:** 5/17/2011

**Enactment date:** 5/23/2011      **Enactment #:** RES-11-00463

**Title:** Determining a Public Purpose and necessity and adopting a Relocation Order for the acquisition of Plat of land interests from two town of Middleton properties owned by Keleny Land Company, LLC and Jovanovic Investments Limited Partnership (Svetlana Taylor - Registered Agent) required for the construction and maintenance of public sanitary sewer interceptor and lift station improvements for the Lower Badger Mill Creek Interceptor Sewer Segment No. 3 from Mid Town Road to County Trunk Highway S (Mineral Point Road). (1st and 9th ADs)

**Sponsors:** Paul E. Skidmore

**Indexes:**

**Code sections:**

**Attachments:** 1. LBMCsanitary\_041111.pdf, 2. Legal Description Keleny Permanent Easement.pdf, 3. Legal Description Keleny Temporary Easement.pdf, 4. Map Keleny Easement\_Perm.pdf, 5. Map Keleny Easement\_Temp.pdf, 6. Legal Description Taylor Permanent Easement.pdf, 7. Legal Description Taylor Temporary Easement.pdf, 8. Map Taylor Easement\_Perm.pdf, 9. Map Taylor Easement\_Temp.pdf

Date	Ver.	Action By	Action	Result
5/17/2011	1	COMMON COUNCIL	Adopt	Pass
5/4/2011	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT	Pass
			- REPORT OF OFFICER	
5/2/2011	1	PLAN COMMISSION	Return to Lead with the Recommendation	Pass
			for Approval	
4/19/2011	1	BOARD OF PUBLIC WORKS	Referred	
4/19/2011	1	COMMON COUNCIL	Referred	
4/14/2011	1	Engineering Division	Referred for Introduction	

**Title**

Determining a Public Purpose and necessity and adopting a Relocation Order for the acquisition of Plat of land interests from two town of Middleton properties owned by Keleny Land Company, LLC and Jovanovic Investments Limited Partnership (Svetlana Taylor - Registered Agent) required for the construction and maintenance of public sanitary sewer interceptor and lift station improvements for the Lower Badger Mill Creek Interceptor Sewer Segment No. 3 from Mid Town Road to County Trunk Highway S (Mineral Point Road). (1st and 9th ADs)

**Body**

**RELOCATION ORDER OF THE CITY OF MADISON, DANE COUNTY, WISCONSIN**

## PREAMBLE

On March 15, 2005 the City of Madison Common Council approved Resolution No. RES-05-00269, File I.D. No. 00632 Authorizing the Mayor and City Clerk to execute an agreement with Madison Metropolitan sewerage District and the City of Verona to hire a consultant to prepare the design of the Lower Badger Mill Creek Interceptor Sewer and Drainageway; and,

On July 19, 2005 the City of Madison Common Council approved Resolution No. RES-05-00627, File I.D. No. 01519 Authorizing the Mayor and City Clerk to execute Addendum No. 1 to an agreement with the Madison Metropolitan Sewerage District (MMSD) and the City of Verona to hire a consultant for the design of the Lower Badger Mill Creek Interceptor Sewer and Drainageway; and,

On April 18, 2006 the City of Madison Common Council approved Resolution No. RES-06-00356, File I.D. No. 0330 Authorizing the Mayor and City Clerk to execute Addendum No. 2 to an agreement with the Madison Metropolitan Sewerage District (MMSD) and the City of Verona to hire a consultant for the design of the Lower Badger Mill Creek Interceptor Sewer and Drainageway; and,

On August 7, 2007 the City of Madison Common Council approved Resolution No. RES-07-00786, File I.D. No. 06576, Determining the Public Purpose and necessity and adopting the Relocation Order for the acquisition of Plat of land interests required for the construction and maintenance of public sanitary sewer interceptor and lift station improvements for the Lower Badger Mill Creek Interceptor Sewer Segment No. 3 from Mid Town Road to County Trunk Highway S (Mineral Point Road); and,

On July 7, 2010 the City of Madison Common Council approved RES-10-00612 Approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for Lower Badger Mill Creek Interceptor - Phase 1, Contract No. 6320; and,

City of Madison Engineering Division design staff met with adjacent town of Middleton property owners whom suggested alternative sanitary sewer routes across their properties; and,

City of Madison Engineering Division revised the public sanitary sewer alignments resulting in an amended alignment through the Keleny Land Company, LLC and Jovanovic Investments Limited Partnership properties; and,

As a result of the revised public sanitary sewer alignments through the Keleny Land Company, LLC and Jovanovic Investments Limited Partnership properties, the City of Madison must adopt a new Relocation Order to begin the acquisition of land interests from these two town of Middleton properties.

## NOW THEREFORE BE IT RESOLVED,

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 necessity in accordance with Section 32.07(2), Wisconsin Statutes, and the acquisition shall allow for the construction of public sanitary sewer interceptor and lift station facilities to serve the Lower Badger Mill Creek Watershed Area;
2. That the City of Madison hereby determines that it is necessary and a public purpose exists to acquire amended land interests from the Keleny Land Company, LLC property and new land interests from the Jovanovic Investments Limited Partnership property. These land interest (permanent and temporary limited easement) acquisitions are required to allow for the construction of said public sanitary interceptor sewer and lift station facilities;

3. City Of Madison Community & Economic Development had previously established Master File Project No. 8317 to administer the acquisition of said land interests, including Real Estate Project No. 8805 for Keleny Land Company, LLC property. Real Estate Project No. 9595 has been established to administer the land interest acquisitions for the Jovanovic Investments Limited Partnership property;
4. That the amended land interests to be acquired from these two (2) different properties are shown on the Relocation Order Maps and legal descriptions attached hereto and part of this resolution.
5. That the Common Council of the City of Madison, does hereby adopt a relocation order to acquire the necessary land interests (permanent and temporary limited easement rights) for the Engineering Division Project Number 53W0788- Lower Badger Mill Creek Interceptor Sewer - Phase 1 consisting of two (2) maps and legal description exhibits in accordance with Section 32.05(1) and 62.22, Wisconsin Statutes;
6. That the 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;
7. Community and Economic Development 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;
8. That the Mayor and City Clerk are authorized to sign all necessary documents necessary to accomplish the acquisition;
9. That the map exhibits and legal descriptions of the land interest (permanent and temporary limited easement rights) acquisitions are part of this resolution.

**NOW THEREFORE BE IT FURTHER RESOLVED**, the City Engineer is hereby directed to create a 'needs assessment' for creation of an Impact Fee District to allow for the City Sewer Utility to recover the entire costs of these acquisitions and improvements, as benefitting properties develop and / or connect to the public sewer.

#### **Fiscal Note**

None. Previously approved RES-07-00786 included real estate acquisition costs estimated at \$1,000,000 for this project and remaining budget authority is available in Acct. No. ES01-58130-810550-00-53W0196.