



Legislation Details (With Text)

**File #:** 47560      **Version:** 1      **Name:** Authorizing the City's Acquisition of the Town of Middleton Sanitary District #5.

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

**File created:** 6/1/2017      **In control:** BOARD OF PUBLIC WORKS

**On agenda:** 6/20/2017      **Final action:** 6/20/2017

**Enactment date:** 6/21/2017      **Enactment #:** RES-17-00507

**Title:** Authorizing the City's Acquisition of the Town of Middleton Sanitary District #5.

**Sponsors:** Mark Clear, Denise DeMarb

**Indexes:**

**Code sections:**

**Attachments:** 1. TNMSD5 Transfer Agreement (Final).pdf, 2. Version 1 - TNMSD5 Transfer Agreement (City Draft) (05 23 17).pdf

Date	Ver.	Action By	Action	Result
6/20/2017	1	COMMON COUNCIL	Adopt	Pass
6/7/2017	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
6/6/2017	1	COMMON COUNCIL	Refer	Pass
6/1/2017	1	Engineering Division	Referred for Introduction	

**Fiscal Note**

The proposed resolution authorizes the acquisition of the Town of Middleton Sanitary District #5. The Town of Middleton Sanitary District plans to provide approximately \$40,000 of funding for interim repair work that is planned within the district over the next 1 to 4 years, while other minor excess funds may be transferred to Madison Sewer Utility in accordance with the agreement.

**Title**

Authorizing the City's Acquisition of the Town of Middleton Sanitary District #5.

**Body**

WHEREAS, the Town of Middleton Sanitary District #5 (the "District") was established in 1974 to provide Town of Middleton (the "Town") properties lying in the Gammon Road, Seybold Road and Watts Road area of Middleton with sanitary sewer service; and,

WHEREAS, under the Final City of Madison and Town of Middleton Cooperative Plan ("the Plan"), approved on December 11, 2003 pursuant to Wis. Stat. Sec. 66.0307, those Town lands constituting the District remaining in the Town will be attached to Madison no later than February 3, 2042, at which point Madison will assume all the property of the District, along with its assets and liabilities, and the District will be dissolved pursuant to Wis. Stat. Sec. 60.79(1); and,

WHEREAS, over time, properties within the District have been annexed or attached to Madison and it has recently been recognized and acknowledged by Madison, the Town and the District (the "Parties") that some Madison sewers and Madison properties discharge to and through portions of the District's sewers, such that some Madison properties, and the Madison sewer utility, are reliant upon portions of the District sewer system; and,

WHEREAS, under the terms of the Plan, as properties within the District develop, they may be required

to attach to Madison if City sewer and water are available, which, over time, will reduce the District's customer base; and,

WHEREAS, under Wis. Stat. Sec. 60.79(2)(c) and (d), because territory constituting less than the entire District has been annexed or attached to Madison and the territory remains served by District's sewerage system, Madison and the District are authorized to enter into an intergovernmental agreement under Sec. 66.0301 to divide the assets and liabilities of the District and determine the ownership and operation of the sewerage system; and,

WHEREAS, the District has found that it is in the best interests of its customers to transfer its sewer plant and operations to Madison so that Madison can begin handling the immediate, intermediate and long-term maintenance, repairs and improvements to the sewer system, along with ensuring regulatory compliance, needed to adequately and efficiently serve the District's customers; and,

WHEREAS, Madison is well equipped to maintain and / or repair the entire sewer system as needed on an emergency basis, day-to-day basis, and year-to-year basis and is better positioned to handle any major repairs or emergencies along with regulatory compliance; and,

WHEREAS, the Madison Sewer Utility has found that the District's sanitary sewer improvements are in adequate condition and that assumption of the related assets and liabilities of the District, including all sanitary sewer plant, and providing sanitary sewer service to the properties in the District is in the best interests of Madison, which finding the Madison Common Council has confirmed, as required under Madison General Ordinances Sec. 35.02(4)(b); and,

WHEREAS, the Town concurs that it is in the best interests of the Middleton property owners in the District to transfer the District's sanitary sewer system from the District to Madison at this time.

NOW THEREFORE BE IT RESOLVED that the City's assumption of the assets and liabilities of the District, including all sanitary sewer plant, and subsequently providing sanitary sewer service to the properties in the District is in the best interests of Madison; and,

BE IT FURTHER RESOLVED that, as it relates to connections to the sanitary sewer system, existing and future connections to the system by properties within the District are in the City's best interests as required under Madison General Ordinances Sec. 35.02(4)(b); and,

BE IT FURTHER RESOLVED that, to effectuate the acquisition of the District, the Mayor and the City Clerk are authorized to enter into an Intergovernmental Agreement Relating to the Acquisition of the Town of Middleton Sanitary District #5 with the District and the Town, and any other documents necessary to effectuate the acquisition, in a form that is acceptable to the City Engineer and the City Attorney, and on terms generally consistent with the agreement attached hereto.