



Legislation Details (With Text)

**File #:** 62624      **Version:** 1      **Name:** 12166 - MMSD West Interceptor Project: Indian Hills Park  
**Type:** Resolution      **Status:** Passed  
**File created:** 10/13/2020      **In control:** BOARD OF PARK COMMISSIONERS  
**On agenda:** 10/20/2020      **Final action:** 1/5/2021  
**Enactment date:** 1/11/2021      **Enactment #:** RES-21-00008

**Title:** Authorizing the execution of a Permanent Limited Easement for Sanitary Sewer Purposes, together with a Temporary Limited Easement for Sanitary Sewer Construction by the City of Madison to Madison Municipal Sewerage District, granting easement rights over portions of Indian Hills Park, located at 5001 Flambeau Road and 801 Merrill Springs Road. (19th AD)

**Sponsors:** Keith Furman

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A - Legal Description of Easement Area.pdf, 2. Exhibit B - Easement Map.pdf, 3. Locator Map.pdf

Date	Ver.	Action By	Action	Result
1/5/2021	1	COMMON COUNCIL	Adopt	Pass
11/9/2020	1	PLAN COMMISSION	Return to Lead with the Recommendation for Approval	Pass
11/4/2020	1	BOARD OF PARK COMMISSIONERS	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
10/20/2020	1	BOARD OF PARK COMMISSIONERS	Refer	
10/20/2020	1	COMMON COUNCIL	Refer	Pass
10/13/2020	1	Economic Development Division	Referred for Introduction	

**Fiscal Note**

The City’s Engineering Division and Parks Division have reviewed and approved the proposed Permanent Limited Easement. No City appropriation is required.

**Title**

Authorizing the execution of a Permanent Limited Easement for Sanitary Sewer Purposes, together with a Temporary Limited Easement for Sanitary Sewer Construction by the City of Madison to Madison Municipal Sewerage District, granting easement rights over portions of Indian Hills Park, located at 5001 Flambeau Road and 801 Merrill Springs Road. (19th AD)

**Body**

WHEREAS, the City of Madison (“City”) owns property known as Indian Hills Park, located at 5001 Flambeau Road and 801 Merrill Springs Road (“City Property”); and

WHEREAS, Madison Municipal Sewerage District (“MMSD”) owns existing sanitary sewer facilities that serve portions of the communities of Shorewood Hills, Madison, Middleton, and Westport (“West Interceptor”), a portion of which crosses the City Property; and

WHEREAS, due to overflows in portions of the West Interceptor pipes that are at capacity in the vicinity of the City Property during the August 2018 flood events, MMSD is proposing a 2021 construction project to abandon said portions of the West Interceptor pipes (in place) and replace them with a larger pipe; and

WHEREAS, MMSD lacks easement rights to legally access the City Property to perform maintenance and construction activities to improve that portion of the West Interceptor; therefore, MMSD requests that the City grant a Permanent Limited Easement for Sanitary Sewer Purposes to facilitate the current West Interceptor replacement needs, as well as any future maintenance and/or construction needs; and

WHEREAS, MMSD construction activities will impact a bike path that is coterminous with the West Interceptor, requiring a detour during installation, and restoration after construction is complete; therefore, MMSD requests that the City grant a Temporary Limited Easement for Sanitary Sewer Construction, so they may perform grading, grass restoration and bike path repaving on the City Property after construction; and

WHEREAS, City staff, including City Engineering and the Parks Division, recognizes the mutual benefit of the MMSD improvements and recommends granting a Permanent Limited Easement for Sanitary Sewer Purposes, together with a Temporary Limited Easement for Sanitary Sewer Construction, as legally described on attached Exhibit A and depicted on attached Exhibit B.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Madison authorizes the City's execution of Permanent Limited Easement for Sanitary Sewer Purposes, together with a Temporary Limited Easement for Sanitary Sewer Construction, to MMSD, for the purposes set forth above, in a format that has been approved by the City Attorney's Office and the Parks Superintendent.