



## Legislation Text

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### Fiscal Note

The proposed resolution adopts a Relocation Order for the acquisition of land interests required for the construction of safety and maintenance of stormwater management facilities required for flood mitigation and restoration within the Old Sauk Trails Business Park Pond and Greenways portion of the Pheasant Branch Greenway at an estimated cost of \$250,000. Funding for this project was approved in the Stormwater Utility's 2024 Adopted Capital Budget (Munis #14370). No additional appropriation is required.

### Title

Determining a Public Purpose and Necessity and adopting Relocation Orders for the acquisition of land interests required for the construction and maintenance of stormwater management facilities required for flood mitigation and restoration within the Old Sauk Trails Business Park Pond and Greenways portion of the Pheasant Branch Greenway. (District 9)

### Body

#### PREAMBLE

**WHEREAS**, the City of Madison has experienced increased frequency and intensity of rainfall events over the past ten to fifteen years, prompting the City to begin a comprehensive watershed planning process. This process began with watersheds hardest hit by 2018 flooding and included the area identified as the Pheasant Branch Watershed. The City began the Pheasant Branch Watershed study in April 2019; and

**WHEREAS**, the City of Madison Engineering Division completed and presented the Pheasant Branch Watershed Study to the Board of Public Works on March 8, 2023. This was the first of many Watershed Studies to be completed of the City's twenty-two watersheds. The Board of public works accepted the final report and the proposed solutions within the Pheasant Branch Watershed Study at its meeting of March 8, 2023, Legistar File ID No. 76225. The report included solutions for the Old Sauk Trails Business Park Ponds and Greenway portion of the Pheasant Branch Greenway system; and

**WHEREAS**, the City of Madison Common Council adopted Resolution RES-21-00051, File ID 63511, on January 19, 2021 authorizing the Mayor and City Clerk to apply for a Federal Emergency Management Agency (FEMA) Building Resilient Infrastructure and Communities (BRIC) grant to cost-share the reconstruction of the Old Sauk Trails Business Park Ponds and Greenways; and

**WHEREAS** Resolution RES-23-00230, File ID 76425, on March 21, 2023 the City of Madison Common Council authorized a contract with Merjent, Inc. for engineering services for the Pheasant Branch Greenway Enhancement Design project. Also, a First Addendum to the contract (#9248) was authorized by the City of Madison Common Council by RES-24-00087, File ID 81601, adopted February 16, 2024, for additional engineering services required for the design of the Pheasant Branch Greenway Enhancement project; and

**WHEREAS**, the City of Madison Common Council adopted Resolution RES-23-00620, File ID 79810, on October 3, 2023 authorizing the City of Madison to enter into an Assistance Agreement with the Wisconsin Division of Emergency Management (WEM) to accept program assistance from a Federal Emergency Management Agency (FEMA) Building Resilient Infrastructure and Communities (BRIC) grant; and

**WHEREAS**, the City of Madison Engineering Division has established Engineering Project No. 14370, Pheasant Branch Greenway Enhancement project, Contract No. 9248, to provide comprehensive greenway design and restoration plans to allow the construction of stormwater improvements and other affected public improvements necessary to improve the stormwater conveyance, mitigating current flooding and erosion issues throughout the Old Sauk Trails Business Park Ponds and Greenway portion of the Pheasant Branch Greenway system; and

**WHEREAS**, Merjent, Inc. has completed a 90 percent plan set for the Pheasant Branch Greenway Enhancement project. The City of Madison Engineering Division has also reviewed those plans and the 90 percent plans have provided the necessary information to determine the land interests required to construct the improvements associated with the proposed Pheasant Branch Greenway Enhancement project; and

**WHEREAS**, the City of Madison Office of Real Estate Services has established a Master File / Project No. 12950 to facilitate and administer the acquisition of required land interests required for the construction and maintenance of the stormwater management, street, path and sanitary sewer facilities within the Pheasant Branch Greenway Enhancement project area; and

**WHEREAS**, attached hereto and made part of this resolution are six City of Madison Relocation Order Maps titled: CITY OF MADISON RELOCATION ORDER - PHEASANT BRANCH GREENWAY PARCEL 2; and CITY OF MADISON RELOCATION ORDER - PHEASANT BRANCH GREENWAY PARCEL 5; and CITY OF MADISON RELOCATION ORDER - PHEASANT BRANCH GREENWAY PARCEL 6; and CITY OF MADISON RELOCATION ORDER - PHEASANT BRANCH GREENWAY PARCEL 7; and CITY OF MADISON RELOCATION ORDER - PHEASANT BRANCH GREENWAY PARCEL 9; and CITY OF MADISON RELOCATION ORDER - PHEASANT BRANCH GREENWAY PARCEL 11 ; and,

**WHEREAS**, the Relocation Order Maps identify the necessary public land interest areas and the Schedules of Land Interests required for construction and maintenance of the storm water management, street, path and sanitary sewer facilities within the Pheasant Branch Greenway Enhancement project area; and,

**WHEREAS**, all required funding for the land interest acquisitions by the City of Madison will be available in Account Number 14370-84-160 - Pheasant Branch Greenway Enhancement.

**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 these acquisitions are determined to be a necessity in accordance with Section 32.07(2), Wisconsin Statutes, and the acquisitions shall allow for the construction of planned public storm water management and associated street, path and sanitary sewer facilities for Engineering Project No. 14370.
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 Land Interests Required on the attached Relocation Order Maps and such acquisitions are required to allow for the construction of said public storm water management, street, path and sanitary sewer facilities.
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 installation of public storm water management, street, path and sanitary sewer facilities associated with Engineering Division Project Number 14370, Pheasant Branch Greenway Enhancement, consisting of the attached Relocation Order Maps 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 attached Relocation Order maps. 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 acquisition.
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 by Real Estate Master Project No. 12950.
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.