



## Legislation Text

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**File #:** 15437, **Version:** 1

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### **Fiscal Note**

This resolution requires the City of Madison to pay to the City of Fitchburg an easement fee of \$162,864. Funds are available in Water Utility Account No. EW01-58273-810455-00-53W0850.

### **Title**

Accepting a 20-foot wide Public Water Main Easement within the Cannonball Path from the City of Fitchburg.

### **Body**

WHEREAS, On July 7, 2009, the Common Council adopted Resolution Enactment No. RES-09-00609, File ID No. 15017, approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for the Cannonball Run Pipeline Project, Contract No. 6382; and

WHEREAS, such project pertains to the installation of public water main facilities within the Cannonball Run Bike Path corridor to improve water supply to the Arbor Hills Neighborhood and surrounding areas; and

WHEREAS, a portion of the Cannonball Run Bike Path corridor is owned by the City of Fitchburg; and

WHEREAS, both the City of Madison Engineering Division and Water Utility have worked together with the City of Fitchburg and have a collaborative plan for both the bike path and water main construction within the Cannonball Run Bike Path corridor; and

WHEREAS, staff from the Water Utility and Engineering Division have reviewed the proposed easement from the City of Fitchburg and recommend the acceptance of the easement.

NOW, THEREFORE, BE IT RESOLVED that the City of Madison ("Madison") is hereby authorized to accept from the City of Fitchburg ("Fitchburg"), a 20-foot wide Public Water Main Easement, on the following general terms and conditions:

1. The "Easement Area" is described in attached Exhibit A and depicted in attached Exhibit B.
2. The work of construction, repair and maintenance of the public water main facilities (the "Facilities") by Madison shall be done and completed in a good and professional manner at the sole expense of Madison. All areas affected by the work of Madison shall be promptly restored to original grade and vegetation or surface condition, including repair or replacement of pavement or concrete, by and at the expense of Madison after completion of said work (or as soon thereafter as weather reasonably permits) and in a manner satisfactory to Fitchburg.
3. Following the installation of the Facilities and final grading of the Easement Area, no grade change shall be made to the Easement Area without the written consent of the Madison Water Utility General Manager.
4. No above-ground improvements shall be located in the Easement Area by either party, with the exception that pavement, concrete, grates and other access points to the Facilities shall be permitted at grade level.
5. Madison shall pay to Fitchburg an "Easement Fee" of \$162,864.00. The Easement Fee shall be payable within twenty (20) days of adoption of a resolution by Madison's Common Council

authorizing Madison's acceptance of the Easement. Fitchburg agrees that it will deposit the Easement Fee payment into a segregated account established to pay for Fitchburg's future costs of construction of a public pedestrian and bicycle path within the Easement Area.

6. Fitchburg reserves the right to use and occupy the Easement Area in a manner consistent with the rights conveyed in the Easement, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the Facilities.

Plantings and landscaping within the Easement Area shall not obstruct routine maintenance by Madison. In the event of repair or reconstruction, plantings and landscaping may be removed by Madison without replacement or compensation to Fitchburg.