



## Legislation Text

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**File #:** 03287, **Version:** 1

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### **Fiscal Note**

\$35,000 estimated easement acquisition cost funds available in: CS53-58130-810366-00-53W0182.

### **Title**

Determining a Public Purpose and Necessity and adopting a Relocation Order for the acquisition of additional Plat of land interests required to facilitate improvements for a public bike path, public sanitary sewer and public storm water drainage construction along the South side of existing Soo Line Railroad right-of-way from Interstate Highway 39/90/94 East to City View, located in that part of the Southeast ¼, lying East of said Interstate Highway 39/90/94, of Section 27, Town 8 North, Range 10 East, City of Madison, Dane County, Wisconsin. (17th AD)

### **Body**

**WHEREAS**, the City of Madison has reviewed and conditionally approved the preliminary plat "The Village at Autumn Lake"; and

**WHEREAS**, the City of Madison Common Council adopted Relocation Order Resolution No. 61,637, ID No. 36,218 on July 6, 2004 which determined the public need, and provided the authority to, acquire land interests for the installation of public improvements across privately owned lands outside the proposed plat "The Village at Autumn Lake"; and

**WHEREAS**, the City of Madison Real Estate Department had previously created Project No. 7884 - as a master file to administer all necessary land interest acquisitions; and

**WHEREAS**, the City of Madison Real Estate Department has acquired the land interests defined in the July 6, 2004 adopted Relocation Order from Mr. Bruce R. Ackland by Award of Compensation recorded November 10, 2005 as Document No. 4131275 by Real Estate Project No. 7934; and

**WHEREAS**, the City of Madison Real Estate Department has acquired the land interests defined in the July 6, 2004 adopted Relocation Order from J.M.G., LLC by Permanent Limited Easement recorded November 10, 2005 as Document No. 4118213 by Real Estate Project No. 7935; and

**WHEREAS**, following the recording of the Award of Compensation and Permanent Limited Easement documents, the City of Madison Engineering Division was able to legally enter the subject properties and obtain additional surveying and topographic information, which has unfortunately determined that additional off-plat land interests are required to provide public improvements to the reviewed and conditionally approved preliminary plat of "The Village at Autumn Lake"; and

**WHEREAS**, "The Village at Autumn Lake" development will require the acquisition of additional land interests, due to existing steep slopes adjacent to the railroad across Mr. Ackland and J.M.G., LLC owned lands outside of "The Village at Autumn Lake" for public bike path, public sanitary sewer and potentially other public services extended through lands outside of said plat to serve this proposed development; and

**WHEREAS**, "The Village at Autumn Lake" development will require the acquisition of additional land interests, for public storm water drainage purposes, west of and in close proximity to the proposed intersection of City View Drive and Levitan Drive intersection, across Mr. Ackland owned lands outside of "The Village at Autumn Lake" for public; and

**WHEREAS**, the City of Madison Real Estate Department has created new Real Estate Project No. 8444 for the acquisition of additional Ackland easement rights and Real Estate Project No. 8445 for the acquisition of additional J.M.G., LLC easement rights; and

**WHEREAS**, the City of Madison will administer the acquisition or required land interests as identified on the attached Relocation Order and plat of right of way and all associated costs to the City of Madison will be available in the City of Madison Engineering Division City Project No. 53W0182 - Lien Road / City View Drive Property Acquisitions; and

**WHEREAS**, all required funding for the land interest acquisition is available in Account No. CS53-58130-810366-00-53W0182; and

**NOW COMES THE CITY OF MADISON**, Dane County, Wisconsin, by its City Council and for its Relocation Order hereby resolves as follows:

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 necessary in accordance with Section 32.07(2), Wisconsin Statutes, and the acquisition shall allow for the construction of public improvements related to City View Drive and Lien Road;
2. That the City of Madison 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;
3. That the City of Madison Real Estate Section of the Community and Economic Development Unit 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;
4. That the Mayor and City Clerk are authorized to sign all necessary documents necessary to accomplish the acquisition;