



## Legislation Text

---

**File #:** 57726, **Version:** 1

---

### **Fiscal Note**

No additional City appropriation required for the acceptance of the proposed Permanent Limited Easement and Consent to Occupy Easements.

### **Title**

Accepting a Permanent Limited Easement for Public Sidewalk Purposes and authorizing the Mayor and the City Clerk to execute a Consent to Occupy Easements for the benefit of Huston & Tritt Madison, LLC and First Business Bank to permit certain private improvements within existing easements granted to the public for the following purposes: sanitary sewer, storm sewer, storm water, water main, storm water drainage, and public utilities on the property located at 6622 Watts Road. (19<sup>th</sup> AD)

### **Body**

WHEREAS, Huston & Tritt Madison, LLC, a Wisconsin limited liability company, purchaser of that certain Land Contract recorded on December 3, 2013 as Document Number 5041100, in the Office of the Dane County Register of Deeds ("Land Contract"), and First Business Bank, vendor of the Land Contract as assigned in the Assignment of Land Sale Contract recorded on July 7, 2015 as Document Number 5166092, in the Office of the Dane County Register of Deeds, have ownership interests in the property located 6622 Watts Road in the City of Madison, Dane County, Wisconsin ("Property") and are collectively known as the "Owners"; and

WHEREAS, the Owners have submitted a site plan (LNDUSE-2019-00021) to the City of Madison ("City") with a Conditional Use application File ID No. 55024, which was conditionally approved at the Plan Commission meeting on April 22, 2019, for the construction of an outdoor display area on the Property pursuant to City Engineering Division Project No. B000627; and

WHEREAS, as a condition of the Owners' Conditional Use approval, the Owners are required to grant a Permanent Limited Easement for Public Sidewalk Purposes ("Sidewalk Easement") to the City in, on, under and through the property legally described on attached Exhibit A and depicted on attached Exhibit B ("Sidewalk Easement Area"); and

WHEREAS, the Owners have agreed to grant the Sidewalk Easement, at no cost to the City; and

WHEREAS, various permanent improvements associated with the outdoor display in the Owner's site plan encroach upon the following easements granted to the City of Madison for the benefit of the public: Public Storm Sewer and Storm Water Easement granted by that certain Warranty Deed recorded on November 12, 1970 as Document Number 1277437; Public Storm Sewer and Water Main Easement, Drainage Easement, and Storm Sewer Easement granted by Certified Survey Map No. 7740, recorded on February 16, 1995 as Document Number 2660574, Volume 40 of Certified Surveys, Pages 276-278; Public Utility, Public Sanitary Sewer, and Public Storm Sewer Easement rights reserved in the Resolution recorded on December 23, 2015 as Document Number 5205445, as amended by the Correction Quit Claim Deed recorded on October 13, 2005 as Document Number 4120507, all being recorded in the Office of the Dane County Register of Deeds, City of Madison, Dane County, Wisconsin (collectively, the "City Easements"); and

WHEREAS, as a condition of the Owners' Conditional Use approval, a Consent to Occupy Easements ("Consent") is required by the City's Engineering Division to memorialize the placement of the (11) eleven following items ("Permitted Encroachments") in and across the City Easements on the Property, as identified on attached Exhibit C: private storm sewer and access structures, trash enclosure, asphalt pavement,

concrete patio display area, concrete pad/bench, light pole, bio-retention device, water lateral, curb and gutter, sidewalk, and sanitary lateral; and

WHEREAS, the City's Engineering Division has reviewed the terms of the Sidewalk Easement, as well as the location of the Permitted Encroachments in the City Easements, and recommends the City's acceptance of the Sidewalk Easement, as well as the City's execution of the Consent for the benefit of the Owner, under the terms and conditions specified therein.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the City Clerk are hereby authorized to accept a Permanent Limited Easement for Public Sidewalk Purposes, and execute a Consent to Occupy Easements.