



Legislation Text

File #: 33403, **Version:** 1

Fiscal Note

No fiscal or budgetary impact.

Title

Accepting a temporary limited easement from the County of Dane for construction access and staging purposes during the City's Lakeview Water Tower demolition and reconstruction project.

Body

WHEREAS, the City of Madison and the County of Dane are parties to an easement agreement dated November 18, 1997 (the "Easement") which provides the City with a perpetual, exclusive easement over a portion of the County-owned property located at 1202 Northport Drive (the "Tower Easement Area") for the operation of the City-owned Lakeview Water Tower (the "Existing Water Tower"); and

WHEREAS, the Easement also provides the City with a perpetual non-exclusive easement over a portion of the County-owned property for purposes of pedestrian and vehicular ingress and egress to and from the Tower Easement Area (the "Ingress/Egress Easement"); and

WHEREAS, the Tower Easement Area and the Ingress/Egress Easement Area are depicted on attached Exhibit A; and

WHEREAS, as allowed under the terms of the Easement, the City has licensed space on the Existing Water Tower and within the Tower Easement Area to three (3) telecommunication companies for the installation and operation of telecommunications equipment and improvements; and

WHEREAS, during 2014 and 2015 the City will be engaged in a project involving the demolition of the Existing Water Tower and the construction of a new tower in its place (the "New Water Tower"); and

WHEREAS, during such Project, the City is requiring that all telecommunication and radio equipment be removed from the Existing Water Tower and relocated onto a temporary monopole to be erected by the telecommunication companies within the Tower Easement Area (the "Temporary Monopole"); and

WHEREAS, the City, its authorized agents, contractors and licensees, will require the temporary use of a portion of the County's Property located adjacent to the Tower Easement Area throughout the period of the Project for construction access and staging purposes; and

WHEREAS, the County has agreed to grant to the City a temporary limited easement for such purposes, at no cost to the City; and

WHEREAS, staff from the Water Utility and Office of Real Estate Services have reviewed the TLE and approve of its terms and conditions.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Madison hereby accepts a Temporary Limited Easement ("TLE"), at no cost to the City of Madison, from the County of Dane, subject to the following general terms and conditions:

1. The TLE shall commence on the date of full execution of the TLE by the County and shall automatically expire on September 31, 2015, unless mutually extended in writing by the parties.

2. The area of the TLE (the "TLE Area") is described as follows:

Part of Lot 1, CSM 12189, City of Madison, Dane County, Wisconsin, as more particularly depicted on attached Exhibit B.

3. The City and its authorized agents, contractors and licensees may perform the following activities within the TLE Area: Place, operate and move cranes, construction vehicles, construction equipment, personnel and materials within and over the TLE Area in connection with the construction and removal of the Temporary Monopole, the demolition of the Existing Water Tower, and the construction of the New Water Tower.
4. No trees or plantings shall be removed from the TLE Area or otherwise disturbed without the prior written approval of the County.
5. Upon completion of the construction of the New Water Tower, or as soon thereafter as the weather reasonably permits, the City will promptly remove all equipment and materials from the TLE Area and restore the TLE Area to a condition equivalent to that which existed prior to the City's use.
6. Each party shall be responsible for any injuries, claims or losses arising from or caused by the acts or omissions of their respective agents or employees acting within the scope of their employment, in accordance with Wis. Stats. Secs. 893.80 and 895.46(1).