



Legislation Text

File #: 48800, **Version:** 1

Fiscal Note

The proposed resolution authorizes acceptance of a Permanent Limited Easement for public sidewalk purposes. No City appropriation is required.

Title

Authorizing the execution of a Permanent Limited Easement for Public Sidewalk purposes from OTS Enterprises, LLC across a portion of the property located at 1745 Parkside Drive.

Body

WHEREAS, OTS Enterprises, LLC (the "Owner") owns the property located at 1745 Parkside Drive (the "Property"); and

WHEREAS, the Owner submitted a site plan prepared by Ayres Associates on August 8, 2017 to the City of Madison ("the "City") and is requesting approval for improvements to the Property's existing building and site; and

WHEREAS, during the Permitted Use Site Plan Review by the City, an existing public sidewalk was determined to be encroaching upon a portion of the Owner's Property adjacent to the E. Washington Avenue right-of-way; and

WHEREAS, as a condition of site plan approval, the City requires an easement from the Owner for legal access to the sidewalk on the Property for future repair and/or replacement; and

WHEREAS, the Owner agreed to grant a Permanent Limited Easement for Public Sidewalk purposes to the City, at no cost to the City, to allow the City to access the public sidewalk for any future repair and/or replacement.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the City Clerk are hereby authorized to execute a Permanent Limited Easement for Public Sidewalk purposes from OTS Enterprises, LLC, across a portion of the property located at 1745 Parkside Drive. Said easement area is depicted on attached Exhibit A and legally described as follows:

Part of Lot One (1) and Lot Two (2), Melvin A. Randall Plat recorded in Volume 43 of Plats, page 4, as Document No. 763928, being located in a part of the Southwest 1/4 of the Southeast 1/4 and also the Southeast 1/4 of the Southwest 1/4, all in Section 28, Township 8 North, Range 10 East, in the City of Madison, Dane County, Wisconsin more particularly described as follows:

Commencing at a point being the intersection of the existing Southeasterly Right-of-way line of East Washington Avenue, as described in Warranty Deed recorded as Document No. 1269387, with the northeasterly platted boundary line of said Lot 1, Melvin Randall Plat, said point is also the point of beginning of this description; thence S 13°38'21" E, along the said northeasterly platted boundary line of said Lot 1, Melvin Randall Plat, 3.50 feet; thence S 48°31'23" W, 22.79 feet; thence S 45°57'13" W, 144.93 feet to a point on the arc of the said existing right-of-way line of East Washington Avenue; thence 10.33 feet along said arc of a 25.00 foot radius curve to the right with a chord bearing of N 34°09'14" E, 10.25 feet, and a Central Angle of 23°40'09"; thence N 45°59'18" E, along the said Southeasterly right-of-way line of East Washington Avenue, 159.43 feet to the point of beginning.

This Easement description contains an area of 352 square feet or 0.01 acres.