



Legislation Text

File #: 28921, **Version:** 1

Fiscal Note

Funding for this project is contained within the 2013 Parks Capital Budget, Project No. 22 "Highland Manor Storm Shelter". Total funding of \$1,525,000 includes federal grant funding from the Federal Emergency Management Agency (\$1,375,000) and General Obligation debt (\$150,000).

Title

Authorizing City officials and staff to enter into, accept and execute any and all documents needed to convert the existing unopened South Side Way (f.n.a. Raywood Road) right-of-way into developable park land to allow for the construction of a FEMA supported emergency weather event safe room within the Highland Manor manufactured home community.

Body

WHEREAS, the Highland Manor Manufactured Home Community ("Highland Manor"), located at 1501-1515 Moorland Rd. in the City of Madison has 361 improved sites, approximately 243 of which were occupied as of May, 2012. There are estimated to be approximately 544 City residents currently living in Highland Manor, and the entire property may eventually house around 813 City residents if fully occupied. Highland Manor is currently owned and operated by Highland Manor Associates, Limited Partnership ("HMA"); and,

WHEREAS, Highland Manor was created in 1971 with the recording of Certified Survey Map 668, and included the dedication to the City of a one-hundred and twenty (120) foot wide and roughly sixteen-hundred and seventy (1670) feet long right-of-way through the land to be known as "Raywood Road" (and now known as "South Side Way"), a three-hundred (300) foot wide strip of property along the south border of the land adjacent to Nine Springs Creek that was dedicated to the public for park and greenway purposes (aka "Rustic Park"), and a thirty (30) foot wide easement along the western property line for public sewer purposes and public access to the park. In 1982, the City also obtained a sanitary sewer easement running through Highland Manor to serve the residents of the community as well as properties to the east of Highland Manor; and,

WHEREAS, South Side Way has never been opened by the City, although the City has allowed some temporary park uses and private roadway encroachments within this platted right-of-way. In addition, Rustic Park has not been developed as parkland by the City. The City Parks Division has sought to install park amenities in the South Side Way right-of-way to serve the residents of Highland Manor, but has been unable to do so because this land is unopened right-of-way that cannot be utilized as parkland. The City has no present or future plans to open South Side Way; and,

WHEREAS, local emergency preparedness officials have identified Highland Manor as a residential community that could greatly benefit from the construction of a safe room that could accommodate Residents in the event of tornados, high winds, or other severe weather events, the South Side Way area being ideally located within Highland Manor to maximize the benefits of such a shelter; and,

WHEREAS, the City Parks Division has agreed that if a safe room is constructed in the South Side Way right-of-way for the benefit of Highland Manor residents, and South Side Way is converted into parkland, that the safe room and parkland will be actively managed by the Parks Division in conjunction with the City of Madison and Dane County Emergency Management, which will benefit not only the residents of Highland Manor, but the City as a whole. The Parks Division has indicated that its plans would call for the shelter to be used as a safe room in the event of tornadoes, high winds, or other designated extreme weather, and would also be a reservable shelter accessible to members of the public, including the residents of Highland Manor,

on a permit basis at other times; and,

WHEREAS, HMA has expressed its desire to assist the City in converting the South Side Way right-of-way into parkland to facilitate the construction of the safe room and the development of the parkland to serve the residents of Highland Manor, provided HMA does not have to incur any of the costs or expenses associated with document preparation and recording, or navigating the City approval process; and,

WHEREAS, in July, 2012 the City applied for federal funding to build a safe room within Highland Manor through the Federal Emergency Management Agency (FEMA) Section 404-Hazard Mitigation Grant Program, and is anticipating being awarded grant money under this program, which grant program contains requirements of a 12.5% local match; and,

WHEREAS, in order to convert the South Side Way right-of-way into parkland and develop the land, it will be necessary to enter into a vacation and dedication agreement with HMA, vacate South Side Way, draft and record a new certified survey map providing for the dedication of the vacated land as parkland, effectuate the granting of new easements over Highland Manor by both the City and HMA, record an updated sanitary sewer easement, and obtain a zoning designation for the new parkland that will allow for the planned improvements.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Clerk are hereby authorized to execute a Right-of-Way Vacation and Park Dedication Agreement and Declaration of Easements with HMA on terms generally consistent with the attached agreements, subject to final review and approval by the City Attorney.

BE IT FURTHER RESOLVED, that City staff is authorized to apply for approval, on behalf of HMA, of a new certified survey map dedicating the vacated South Side Way to the City as parkland.

BE IT FURTHER RESOLVED, that the City Engineer, or his designee, is authorized to record, as a representative of the City of Madison, an Affidavit of Correction regarding the location of the City's sanitary sewer easement in Highland Manor described in doc. # 1759625.

BE IT FURTHER RESOLVED, that City staff is authorized to apply for zoning approval of the newly created parkland in Highland Manor to allow for the development of the parkland.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk, and/or City staff, are authorized to enter into any other agreements, or grant or accept any additional easements rights, as necessary, including possibly a shared water service agreement, and make any other applications that may be necessary, to develop the vacated right-of-way as parkland as planned, subject to final review and approval by the City Attorney.

AND BE IT FINALLY RESOLVED, that the City shall incur any filing fees, application fees or preparation costs associated with preparation, review, and recording of the above mentioned documents.