



## Legislation Text

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**File #:** 43478, **Version:** 1

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### **Fiscal Note**

No fiscal or budgetary impact.

### **Title**

Authorizing the execution of a Declaration of Public Water Main Easement pertaining to lands located within Monona Golf Course, at 111 East Dean Avenue.

### **Body**

WHEREAS, during the City of Madison's reconstruction of Monona Drive in 2013, an existing City of Madison Water Utility public water main, located within the City of Madison Monona Golf Course (the "Course") at 111 East Dean Avenue, was relocated easterly to accommodate the new right-of-way for Monona Drive; and

WHEREAS, in order accommodate the new public water main location, the existing perpetual easement for water main purposes, recorded as Document No. 1716371, is being expanded; and

WHEREAS, the City of Madison Parks and Water Utility staff have reviewed and approve of an expanded easement for public water main facilities within the Course, subject to certain conditions.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the City Clerk are hereby authorized to execute a Declaration of Public Water Main Easement allowing for the installation and operation of public water main facilities (the "Facilities") within a portion of the Monona Golf Course (the "Course"), on the following terms and conditions:

1. The "Easement Area" is described in attached Exhibit A and depicted in attached Exhibit B.
2. The Declaration shall include, but not be limited to, the rights of the City of Madison Water Utility ("Utility") to ingress from and egress to the Easement Area; to excavate, construct, operate, repair, replace, and/or maintain the Facilities in the Easement Area; and to perform all work incidental thereto.
3. The City reserves the right to use the Easement Area for public golf course purposes.
4. No above-ground improvements shall be located in the Easement Area, with the exception that valves or other access points to the Facilities shall be permitted at grade level.
5. All areas affected by any work performed by the Utility will be promptly restored to original grade and vegetation or surface condition, including repair or replacement of pavement and concrete, by and at the expense of the Utility after completion of said work (or as soon thereafter as weather reasonably permits) and in a manner satisfactory to the City of Madison Park Superintendent.
6. No grade change shall be made to the Easement Area without the written consent of the City of Madison Water Utility General Manager and City of Madison Park Superintendent.
7. The Declaration may not be amended, modified, terminated, or released without the written consent of the City of Madison Water Utility General Manager and the City of Madison Park Superintendent.