



Legislation Text

File #: 31102, **Version:** 1

Fiscal Note

No expenditure required.

Title

Authorizing the execution of an easement to the City of Sun Prairie for public pedestrian/bicycle path purposes across lands within the City of Madison's North-East Greenspace and adjacent Stormwater Utility lands, located south of Hoepker Road and west of U.S. Highway 151.

Body

WHEREAS, the City of Sun Prairie desires to construct, at its sole cost and expense, a segment of the public pedestrian/bicycle path, commonly known as the Sun Prairie Path, within portions of the City of Madison's North-East Greenspace and adjacent city of Madison Stormwater utility lands, which parcels are located in the City of Madison and in the City of Sun Prairie, for the purposes of connecting the USH 151 Path with Hoepker Road; and

WHEREAS, the City of Sun Prairie has requested an easement across a portion of the City of Madison's North-East Greenspace and Stormwater Utility lands to accommodate such path; and

WHEREAS, the City of Madison's Engineering Division and Parks Division staff have reviewed and approve of the granting of such easement.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the City Clerk are hereby authorized to execute an Easement for Public Pedestrian/Bicycle Purposes ("Easement") to the City of Sun Prairie, on the following terms and conditions:

1. The City of Sun Prairie shall construct a segment of the public pedestrian/bicycle path, commonly known as the Sun Prairie Path (the "Path"), in accordance with plans to be approved by the City of Madison's Engineer and Park Superintendent.
2. The Path shall be constructed within the "Easement Area" at the location generally depicted on attached Exhibit A.
3. Any repair, maintenance or replacement of the Path shall be the City of Sun Prairie's sole responsibility. Maintenance responsibilities shall include, but not be limited to, mowing, paving, repaving, repairing, and marking..
4. The City of Madison reserves the right to use and occupy the Easement Area in a manner consistent with the Easement, provided that such use and occupancy shall not interfere with or disturb the City of Sun Prairie's use of the Easement Area. No buildings or structures of any kind shall be built over the Easement Area, except trail amenities as approved by the City of Madison and City of Sun Prairie.
5. Following construction of the Path by the City of Sun Prairie, no grade change to the Easement Area shall be made by either party without the prior written approval of the other party.
6. The Easement shall include a temporary limited easement adjacent to the Easement Area for construction purposes ("TLE"), which TLE shall expire upon completion of initial construction of the Path.

