



## Legislation Text

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**File #:** 66666, **Version:** 1

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### **Fiscal Note**

The proposed resolution adopts a relocation order for land acquisition estimated to cost \$860,000. Funding for the land acquisition is budgeted within the 2021 Adopted Capital Budget for Stormwater Utility via the Citywide Flood Mitigation program.

### **MUNIS:**

11704-84-110 - Hawks Landing Flood Mitigation North (\$820,000 Fee Acquisitions)  
11704-84-160 - Hawks Landing Flood Mitigation North (\$40,000 Easement Acquisitions)

### **Title**

Determining a Public Purpose and Necessity and adopting a Relocation Order for the acquisition of land interests required to construct storm water management and storm sewer facilities to alleviate flooding issues in the western portion of the Hawks Landing subdivision, in the City of Madison, Dane County, Wisconsin. (1<sup>st</sup> AD)

### **Body**

WHEREAS, the plat of Hawk's Landing Golf Club (the "Plat") was conditionally approved by the City of Madison Common Council on the 16th of May, 2000, by Enactment Resolution Number 57301, File ID No. 27453 and those conditions of approval were fulfilled on the 1st of June, 2000; and

WHEREAS, the Plat was subsequently recorded upon the satisfaction of the conditions of approval on the 7th of June, 2000 in Volume 57-1505B of Plats on pages 605-614, as Document Number 3219695, Dane County Register of Deeds; and

WHEREAS, there have been flooding events due to stormwater discharged overland from the Hawks Landing West Ponds (the "Ponds") lying within the Hawks Landing Golf Course. The overland discharge occurs upon the existing storm sewer pipes filling beyond their capacity during large storm events. The overland discharge has flooded, on multiple occasions, the intersection of Shadow Point Drive and Hidden Hill Drive and surrounding Lots within the Hawk's Landing Golf Club subdivision. The flooding has caused damage to public and private properties and improvements; and

WHEREAS, currently undeveloped lands within in the Town of Middleton lying north of the Plat and also portions of the Plat lying northerly of Hill Creek Drive contribute storm water to the said Ponds and ultimately the flooding events; and

WHEREAS, Resolution RES-17-00750, File ID 48319, adopted on September 19, 2017 by the City of Madison Common Council authorized a contract with MSA Professional Services to provide survey and design services to mitigate these and other additional drainage problems on the west side of Hawk's Landing Golf Club subdivision. First Addendum to the contract (#7833) authorized by RES-18-00012, File ID 49701, adopted January 2, 2018. The second Addendum to the contract authorized by RES-18-00801, File ID 53678, adopted November 20, 2018. Third Addendum to the contract authorized by RES-19-00370, File ID 55400, adopted April 30, 2019 including additional services for surveying for the Hawks Landing Flood Mitigation North area and the Fourth Addendum to the contract authorized by RES-20-00357, File ID 60229, adopted May 5, 2020 including additional engineering services for the Hawks Landing Flood Mitigation North area; and

WHEREAS, the City of Madison Engineering Division has established Engineering Project No. 11704, Hawks

Landing Flood Mitigation North, Contract No. 9432, to provide a flood mitigation plan north of Lots 290 - 307 of the said Plat, lying east of Sugar Maple Lane and west of Red Tail Drive, hereinafter referred to as the "Northern Flood Mitigation Area"; and

WHEREAS, MSA Professional Services has completed, and the City of Madison Engineering Division has approved, plans for storm water management facilities and storm sewer to be constructed within the Northern Flood Mitigation Area. The storm water management facilities being designed to aid in mitigating the flooding of streets and lots within the said Plat; and

WHEREAS, the City of Madison Office of Real Estate Services has established a Master File / Project No. 12319 to facilitate and administer the acquisition of required land interests required for the construction and maintenance of the stormwater management facilities and storm sewer within the Northern Flood Mitigation Area; and

WHEREAS, attached hereto and made part of this resolution are two City of Madison Relocation Order Maps titled: "PLAT OF LAND INTERESTS REQUIRED FOR THE CONSTRUCTION AND MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES", PART OF UNPLATTED LAND IN THE SE 1/4 AND THE SW 1/4 OF THE NW 1/4 AND THE SW 1/4 OF THE NE 1/4 OF SECTION 33, TOWNSHIP 7 NORTH, RANGE 8 EAST OF THE 4TH P.M., TOWN OF MIDDLETON, DANE COUNTY, WISCONSIN; and also "PLAT OF LAND INTERESTS REQUIRED FOR THE CONSTRUCTION AND MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES", PART OF LOTS 306, 307 AND 308 OF THE PLAT OF HAWK'S LANDING GOLF CLUB LOCATED IN THE SW 1/4 OF THE NE 1/4 AND THE NW 1/4 OF THE SE 1/4 OF SECTION 33, TOWNSHIP 7 NORTH, RANGE 8 EAST OF THE 4TH P.M., CITY OF MADISON, DANE COUNTY, WISCONSIN; and,

WHEREAS, the Relocation Order Maps identify the necessary public land interest areas of acquisition as shown on the City of Madison Relocation Order Maps and Schedules of Land Interests Required for construction and maintenance of the storm water management and storm sewer facilities within the Northern Flood Mitigation Area; and,

WHEREAS, all required funding for the land interest acquisitions by the City of Madison will be available in Account Numbers 11704-84-110 - Hawks Landing Flood Mitigation North and 11704-84-160 - Hawks Landing Flood Mitigation North.

NOW THEREFORE BE IT RESOLVED,

1. That this Resolution is a Relocation Order in accordance with Section 32.05(1) and 62.22, Wisconsin Statutes for the purpose of the within described public acquisition project and that these acquisitions are determined to be a necessity in accordance with Section 32.07(2), Wisconsin Statutes, and the acquisition shall allow for the construction of planned public storm water management and storm sewer facilities for Engineering Project No. 11704.
2. That the City of Madison hereby determines that it is necessary and a public purpose exists to acquire necessary land interests from the properties/parties as identified in the Schedule of Land Interests Required on the attached Relocation Order Maps and such acquisitions are required to allow for the construction of said public storm water management and storm sewer facilities.
3. That the Common Council of the City of Madison, does hereby adopt this relocation order to acquire the necessary land interests required for the installation of public storm water management and storm sewer facilities associated with Engineering Division Project Number 11704, Hawks Landing Flood Mitigation North, consisting of the attached Relocation Order Map in accordance with Section 32.05(1)

and 62.22, Wisconsin Statutes.

4. That the Office of Real Estate Services of the Economic Development Division and the City Attorney are hereby authorized to proceed by negotiation or condemnation under authority of Section 32 and 62.22 of the Wisconsin Statutes to acquire the real estate interests shown on said Relocation Order. Also, the Office Real Estate Services is further authorized to obtain title reports, appraisals, survey information, environmental site assessment reports, and any other essential material or reports as may be necessary to perform due diligence in accomplishing the acquisition.
5. That the City Of Madison Office of Real Estate Services Division of the Economic Development Division staff shall administer the acquisition of all land interests by Real Estate Master Project No. 12319.
6. That the City of Madison Office of Real Estate Services of the Economic Development Division is hereby authorized to execute the jurisdictional offer, lis pendens, and award of the compensation if condemnation proceedings under Section 32 of the Wisconsin Statutes are necessary.
7. That the Mayor and City Clerk are authorized to sign all necessary documents to accomplish the acquisitions.