



## Legislation Text

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**File #:** 03846, **Version:** 1

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### **Fiscal Note**

The standard \$500 administrative fee was deposited in the General Fund.

### **Title**

Authorizing the release of a portion of a sanitary sewer easement and accepting the relocated easement for same from Lake Edge Lutheran Church located at 4032 Monona Drive in Madison. 15th Ald. Dist.

### **Body**

#### PREAMBLE

Lake Edge Lutheran Church, located at 4032 Monona Drive in Madison, undertook a remodeling and expansion project in accordance with plans approved by the City. Part of the project required the relocation of a portion of the City's sanitary sewer facilities that serve the block in which the church is located. The City's Department of Public Works Sewer Relocation plan, identified as Project No. 53B1989, details the location and design for the new facilities and for the portion of the old facilities that are no longer needed. The new, as-built location of the sanitary sewer facilities is entirely on property owned by the church. The church now needs to grant a permanent easement to the City for the new, as-built location and the City now needs to release that portion of its existing sanitary sewer easement that is no longer needed.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Madison hereby authorizes the release of that portion of the City's sanitary sewer easement in the property owned by Lake Edge Lutheran Church, located at 4032 Monona Drive in Madison, that is no longer needed for the City's sanitary sewer utility purposes and authorizes the acceptance from said church of the grant of a permanent easement for sanitary sewer utility purposes in the as-built relocation of the sanitary sewer facilities in said church's property as detailed in the Public Works Sewer Relocation plan identified as Project No. 53B1989 and attached herein as Exhibit A and as said release and grant are shown in said Exhibit A.

BE IT FURTHER RESOLVED that the following conditions shall be included in the grant of easement document:

- The easement shall be used by the City for public underground sanitary sewer purposes.
- The City and its employees, agents and contractors shall have the right to construct, install, maintain, operate, repair, replace and reconstruct the sanitary sewer facilities.
- The City shall have the right of ingress and egress to and from the easement area
- The City shall have the right to cut and remove trees, vegetation and other impediments in the easement area that may obstruct or interfere with the actual use of the easement area..
- The City shall repair damage caused to the easement area and/or the owner's property as a result of the use of the easement area by or on behalf of the City, and after completing any excavation work, the City shall promptly restore the area affected to the original grade and vegetation or surface condition.
- The owner of the property shall have the right to use the easement area so long as the use does not interfere with the easement rights of the City.
- No buildings or structures unrelated to the sanitary sewer facilities shall be constructed in and no grade change shall be made to the easement area without the written consent of the City's Engineering Division City Engineer.

BE IT STILL FURTHER RESOLVED that the Mayor and the Interim City Clerk are authorized to sign the easement release document and any other necessary documents related to this project.