



## Legislation Text

---

**File #:** 49567, **Version:** 1

---

### **Fiscal Note**

The proposed resolution authorizes the conversion of the Water Utility's land parcel for general City purposes as part of the acquisition approval of resolution #49546 for the East Johnson Street (Baldwin to 1st Street). The Water Utility will be provided \$26,388.14 of revenue.

### **MUNIS:**

86100-48110-00000.

### **Title**

Authorizing a declaration of change in use from Madison Water Utility use to a combination of Public Street Right-of-Way and General City of Madison Purposes pertaining to the Well House #3 property located at 212 N. First Street as part of the land and interest acquisitions required per Transportation Project Plat 5992-09-09, E. Johnson St - N. Baldwin St to First St.

### **Body**

WHEREAS, Resolution File ID 49546 determining a public purpose and necessity for land and interest acquisitions by the City of Madison ("City") to allow for the construction of planned public improvements per Transportation Project Plat No. 59952-09-09 - 4.01 through 5992-09-09 - 4.03 E. Johnson St. - N. Baldwin St. to First St. ("TPP") will be introduced to the Common Council of the City of Madison on November 21, 2017 with anticipated approval on January 2, 2018; and

WHEREAS, Resolution File ID 49546 will authorize the City's Office of Real Estate Services of the Economic Development Division and the City Attorney to acquire said lands and interests identified in the Schedule of Lands and Interests to be Required on the TPP through either negotiation or condemnation under authority of Section 32 and 62.22 of the Wisconsin Statutes; and

WHEREAS, the owner of Parcel 9 identified on the Schedule of Interests on Transportation Project Plat No. 59952-09-09 - 4.03 is the Madison Water Utility ("MWU"). Said parcel is located on a portion of the property located at 212 N. First Street ("Property") and is the site of the abandoned Unit Well #3. The Property was declared surplus by the Madison Water Utility in 2008 (File ID 12839) and remains improved with a vacant building that is currently unused by the MWU and scheduled for demolition as part of the public improvement project; and

WHEREAS, the City's acquisition from the MWU includes 1,842 square feet of new right-of-way, and 3,533 square feet of temporary limited easement for sloping and demolition of the existing building, as depicted as Parcel 9 of the TPP on attached Exhibit A; and

WHEREAS, the acquisition of Parcel 9 will be accomplished by the recording of a Declaration of Public Street Right-of-Way, and a Temporary Limited Easement both executed by the City, with the balance or remnant of the Property being administratively converted from MWU to General City Purposes; and

WHEREAS, MWU agrees to the disposal of Parcel 9 for the Project, as well as the use conversion of the remnant Property, provided payment in the amount of \$26,388.14 is made to the MWU in advance of the acquisition and use conversion. Said funds represent the remaining book value of the Property, to be paid to the MWU in accordance with Public Service Commission reporting requirements for the benefit of the ratepayers, and shall be deposited in Munis Account No. 86100-48110-0000.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Madison hereby authorizes the Mayor and Clerk to execute and record a Declaration of Public Street Right-of-Way and a Temporary Limited Easement required for the planned public improvement project, as depicted on attached Exhibit A as Parcel 9 of the TPP.

BE IT FURTHER RESOLVED that the funds in amount of \$26,388.14 are authorized to be transferred to Madison Water Utility prior to the acquisition of Parcel 9 of the TPP and prior to the administrative use change of the Property.

BE IT FINALLY RESOLVED that the City may administratively convert the balance or remnant of the Property after the acquisition of Parcel 9 from Madison Water Utility use to General City Purposes.