



## Legislation Text

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File #: 47979, Version: 1

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### Fiscal Note

The proposed resolution authorizes the cost of easement acquisition estimated at \$17,000. Funding for the project is provided by the Sewer Utility's adopted 2017 capital budget within the Sewer Reconstruction program (MUNIS 10267).

MUNIS:  
11446-83-200

### Title

Determining a Public Purpose and Necessity and adopting a Relocation Order for the acquisition of land interests required for the reconstruction, rehabilitation and maintenance of an existing public sanitary sewer within parcels located at 2815 and 2855 Industrial Drive. Located in part of the NE ¼ of the SW ¼ and the SE ¼ of the NW ¼ of Section 30, T7N, R10E. (14th AD)

### Body

#### PREAMBLE

**WHEREAS**, the City of Madison Engineering Division established Engineering Project No. 11446, Rimrock Interceptor - Industrial Drive Extension, for the design and rehabilitation of a sanitary sewer main from Industrial Drive southerly to the Madison Metropolitan Sewerage Plant; and

**WHEREAS**, the City of Madison Common Council approved on September 6, 2016, Enactment number RES-16-00612, File ID number 43872 an amendment to the 2016 Sewer Utility Capital Budget and authorized the Board of Public Works to advertise and receive bids for the Rimrock Interceptor - Industrial Drive Extension. The resolution also authorized the Mayor and City Clerk to enter into a three party agreement between the City of Madison, City of Monona and Madison Metropolitan Sewerage District (MMSD) for the purpose of funding the project and transferring ownership of the sewer to MMSD upon completion of the rehabilitation; and

**WHEREAS**, the City of Madison has entered into an "Intergovernmental Agreement Relating to a Shared Sanitary Sewer Serving the Industrial Drive Area in Madison & Monona Between the City of Madison, the City of Monona and the Madison Metropolitan Sewerage District" as executed by the Mayor on December 19, 2016; and

**WHEREAS**, a 66 foot wide public right of way was granted on August 27<sup>th</sup>, 1958 as recorded per Document No. 966517, Dane County Register of Deeds. The said public right of way was subsequently vacated and discontinued by the City of Madison Common Council on December 14<sup>th</sup>, 1993 by Substitute Resolution No. 50,582, File No 14078 (recorded as Document No. 2555480, Dane County Register of Deeds), whereas, as a condition of the vacation and discontinuance, the City of Madison retained Public Easements over the entire vacated and discontinued right of way; and

**WHEREAS**, the survey of the existing sanitary sewer has revealed a portion of the sanitary sewer is not located within, or is very near the westerly boundary of the said Public Easement that was retained. Resulting in the need for additional Public Sanitary Sewer Easements to rehabilitate and maintain the public sanitary sewer; and

**WHEREAS**, the City of Madison Office of Real Estate Services Division of the Economic Development

Division has established a Master File / Project No. 11298 to facilitate and administer acquisition of required land interests to reconstruct, rehabilitate and maintain the existing public sanitary sewer improvements; and

**WHEREAS**, attached hereto and made part of this resolution is a City of Madison Relocation Order Map titled "Plat of land interests required for the construction and maintenance of Public Sanitary Sewer Improvements", located in part of the SE ¼ of the NW ¼ and also part of the NE ¼ of the SW 1/4, all in Sec 30, T 7 N, R 10 E, City of Madison, Dane County, WI; and

**WHEREAS**, this Relocation Order Map identifies the necessary public land interest areas of acquisition required and the Schedule of Interests Required for the public sanitary sewer improvements; and,

**WHEREAS**, all required funding for the land interest acquisitions by the City of Madison will be available in Account Number 11446-83-200 Rimrock Interceptor - Industrial Drive Extension.

**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 this acquisition is determined to be necessity in accordance with Section 32.07(2), Wisconsin Statutes, and the acquisitions shall allow for the reconstruction, rehabilitation and maintenance of existing public sanitary sewer improvements, Rimrock Interceptor - Industrial Drive Extension, Engineering Project No. 11446.
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 Interests Required on the attached Relocation Order Map and such acquisitions are required to allow for the reconstruction, rehabilitation and maintenance of said public sanitary sewer improvements.
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 sewer improvements associated with Engineering Division Project Number 11446, Rimrock Interceptor - Industrial Drive Extension, 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 Division 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, and 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. 11298.
6. That the City of Madison Office of Real Estate Services Division 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.
6. That all of the land interests required shall be made transferrable to Madison Metropolitan Sewerage District (MMSD) upon the ownership of the public sanitary sewer being conveyed to MMSD after the completion of the reconstruction and rehabilitation of those facilities.

7. That the Mayor and City Clerk are authorized to sign all necessary documents to accomplish the acquisition.