



## Legislation Text

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**File #:** 10508, **Version:** 1

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### **Fiscal Note**

No budgetary or fiscal impact.

### **Title**

Authorizing the execution of a Second Amendment to Easement pertaining to a Public Utility Easement from the City to Wisconsin Bell, Inc., d/b/a AT&T Wisconsin, within Nakoma Park located at 3800 Nakoma Road.

### **Body**

WHEREAS, the City of Madison and Wisconsin Bell, Inc., d/b/a AT&T Wisconsin ("AT&T") are parties to a certain Public Utility Easement, dated February 3, 1999, as amended by Amendment to Easement dated September 24, 2001 (collectively, the "Easement") allowing AT&T to install two utility cabinets and related equipment (collectively, the "Facilities") within Nakoma Park located at 3800 Nakoma Road; and

WHEREAS, the Facilities provide for the distribution of communication and/or information services to AT&T's customers; and

WHEREAS, the Facilities are located within the "Easement Area" more particularly described below and depicted on attached Exhibit A; and

WHEREAS, AT&T has contacted Parks Division staff and requested that an additional cabinet be permitted within the Easement Area to enable AT&T to upgrade its facilities from digital to fiber optic service; and

WHEREAS, Parks Division staff have reviewed and approve of the placement of an additional cabinet within the Easement Area; and

WHEREAS, the Office of Real Estate Services has prepared a Second Amendment to Easement for such purpose, and AT&T has reviewed and approves of the Second Amendment.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the City Clerk are hereby authorized to execute a Second Amendment to Easement pertaining to the existing Public Utility Easement, dated February 3, 1999 as amended by Amendment to Easement dated September 24, 2001 (collectively, the "Easement"), from the City of Madison to Wisconsin Bell, Inc. d/b/a AT&T Wisconsin ("AT&T"), which Second Amendment to Easement shall be on the following terms and conditions:

1. The Easement shall be amended to provide that AT&T shall be permitted to install an additional cabinet together with underground cables and conduit (collectively, the "Additional Facilities") within the Easement Area depicted on attached Exhibit A.
2. Construction of the Additional Facilities shall not commence without the prior written approval of applicable plans and specifications by the City's Park Superintendent or his designee. The Additional Facilities are depicted on the required landscape plan attached as Exhibit B.
3. All other provisions of the Easement shall apply to the Additional Facilities and shall remain in full force and effect.

Description of the Easement Area

A parcel of land located within Nakoma Park, a platted park in Nakoma, Plat of Blocks 1 to 11, located in Section 28, Township 7 North, Range 9 East, City of Madison, Dane County, Wisconsin, to wit:

Beginning at the most Northeasterly corner of said Nakoma Park; thence Southwesterly along the Northwesterly right-of-way line of Nakoma Road, 140 feet; thence Northwesterly 110 feet, more or less, to a point on the Southeasterly right-of-way line of Cherokee Drive which point is 165 feet Southwesterly of the point of beginning as measured along said Southeasterly right-of-way line; thence Northeasterly along said Southeasterly right-of-way line of Cherokee Drive, 165 feet to the point of beginning. The Easement Area is depicted on attached Exhibit A.