



Legislation Text

File #: 21852, **Version:** 1

Fiscal Note

No expenditure is required.

Title

Authorizing the execution of a temporary construction easement to the County of Dane to allow for the County's construction of a public pedestrian/bicycle path across lands within Baxter Park, located at 777 Engelhart Drive, and across the Stormwater Utility parcel located at 909 Lorena Parkway.

Body

WHEREAS, the County of Dane ("County") desires to construct, at its sole cost and expense, a spur trail through Baxter Park, located at 777 Engelhart Drive, and through the nearby Stormwater Utility parcel located at 909 Lorena Parkway, to connect to the Capitol City Trail; and

WHEREAS, the County has requested a temporary construction easement to allow for the construction of such spur trail across said City-owned lands; and

WHEREAS, the City of Madison Parks Division and Engineering Division staff have reviewed and approve of the granting of such temporary construction easement.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the City Clerk are hereby authorized to execute a Temporary Construction Easement ("Easement") to the County of Dane ("County"), allowing for the construction of a spur trail (the Path") through Baxter Park and the nearby Stormwater Utility parcel (collectively, the "City's Properties"), under the following terms and conditions:

1. The County shall construct the Path in accordance with the plans to be approved by the City Engineer and City Park Superintendent.
2. The Path shall be constructed across the City's Properties within the "Easement Area" more particularly described below and depicted on attached Exhibit A
3. Construction shall be performed and completed in good and workmanlike manner and shall not interfere with or endanger the use of the remainder of the City's Properties by the City or by the general public.
4. The County will promptly restore the Easement Area after completion of the construction and/or grading of the Easement Area (or as soon thereafter as weather reasonable permits) and in a manner satisfactory to the City.
5. Following construction the Path shall become the property of the City, and the City will be responsible for all future maintenance, repairs and reconstruction.
6. No buildings or structures of any kind shall be built over the Easement Area, except trail amenities as approved by the City.
7. The Temporary Construction Easement shall terminate upon the earlier of: (a) completion of the construction of the Path by the County; or (b) July 1, 2012, unless mutually extended by the parties.

8. Each party shall be responsible for any injuries, claims or losses arising from or caused by the acts or omissions of their respective agents or employees acting within the scope of their employment, in accordance with Wis. Stats. Secs. 893.80 and 895.46(1). The obligations of the parties under this paragraph shall survive the termination of Temporary Construction Easement.

Legal Description of the City's Properties:

Part of the NW ¼ of the NE ¼ of Section 1, T6N, R9E, described as follows:

Commencing at the SW corner of the SE ¼ of Section 36, T7N, R 9E; thence S 89 Degrees 46 Minutes 11 Seconds East, 296.85 feet to the point of beginning; thence continuing on said bearing 815.08 feet; thence S 01 Degree 07 Minutes 21 Seconds W, 637.5 feet; thence N 89 Degrees 09 Minutes 41 Seconds W, 812.88 feet; thence N 00 Degrees 58 Minutes 17 Seconds E, 452.15 feet; thence N 00 Degrees 49 Minutes 29 Seconds E, 176.69 feet to the point of beginning.

AND

Outlot 2, Hickory Edge, located in the NE ¼ of Section 1, T6N, R9E, City of Madison, Dane County, Wisconsin.

Easement Area:

The centerline of the Easement Area is depicted on attached Exhibit A. The width of the Easement Area shall vary within the range of 12 feet to 40 feet based on the final grading plan agreed upon between the City and the County.