



Legislation Text

File #: 52665, **Version:** 1

Fiscal Note

No City appropriation required.

Title

Authorizing the City's acceptance of a Second Amendment to Easement pertaining to an existing Permanent Limited Easement for Public Sidewalk Purposes granted to the City by Dane County over and across a portion of the properties located at 1650 and 1702 Pankratz Street, owned by Dane County. (12th A.D.)

Body

WHEREAS, Dane County, a Wisconsin quasi-municipal corporation ("Owner") is the owner of properties located at 1702 Pankratz Street, described as Lot 46, Second Addition to Truax Air park West and 1650 Pankratz Street, described as Lot 3, Dane County Certified Survey Map No. 13328 (together, the "Property"); and

WHEREAS, Corben Land Development, LLC, a Wisconsin limited liability company ("Lessee") is lessee of the Property under a long term lease by and between the Lessee and the Owner; and

WHEREAS, lessee and their general contractor have submitted a site plan for approval by the City of Madison ("City") for the construction of an office building on their property located at 1702 Pankratz Street; and

WHEREAS, a portion of the Property is encumbered with a Permanent Limited Easement for Public Sidewalk Purposes recorded on November 30, 2015 as Document No. 5210510, previously amended by an Amendment to Easement, recorded on July 22, 2016 as Document No. 5253707 (collectively the "Easement"); and

WHEREAS, during the City's site plan review , it was discovered that additional sidewalk was constructed outside the limits of the defined Easement ("Easement Area"), and a portion of the existing sidewalk will be reconfigured to facilitate the proposed development; and

WHEREAS, as a condition of site plan approval, the City's Engineering Division requires that the Easement be amended to revise the description of the Easement Area to accommodate the proposed sidewalk location, as well as the additional sidewalk area, as legally described on attached Exhibit C and depicted on attached Exhibit D ("Amended Easement Area") ; and

WHEREAS, as a condition of site plan approval, the City's Engineering Division also requires that the Easement be amended to release that portion of the Easement that is no longer necessary to serve the Property, as described on attached Exhibit A and depicted on attached Exhibit B ("Partial Release of Easement Area"); and

WHEREAS, the Office of Real Estate Services will prepare a Second Amendment to Easement document (the "Second Amendment"), to be reviewed and approved by the City's Engineering Division prior to recording with the Dane County Register of Deeds; and

WHEREAS, the Owner agreed to grant and the Lessee consents to the Amended Easement Area needed for the Second Amendment at no cost to the City.

NOW, THEREFORE, BE IT RESOLVED that the City is authorized to accept a Second Amendment to

Easement from Dane County over and across a portion of the Property, subject to the following terms and conditions:

1. The Easement is hereby amended to release a portion of the Easement Area legally described in attached Exhibit A and depicted in attached Exhibit B.
2. The Easement is hereby amended to add the Amended Easement Area described on attached Exhibit C and depicted on attached Exhibit D.

All other provisions of the Easement shall remain in full force and affect.