



## Legislation Text

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**File #:** 23736, **Version:** 1

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### **Fiscal Note**

The easement fee of \$21,091.00 shall be deposited in ESTM-78231-561000.

### **Title**

Authorizing the grant of a permanent limited easement to American Transmission Company for an electric transmission line along a portion of the City's Stormwater Utility Parcel 533, located along the 4200 Block of Sycamore Avenue.

### **Body**

WHEREAS, American Transmission Company ("ATC") has an existing 345 kilovolt overhead electric transmission line located parallel with the Wisconsin Southern Railroad corridor, near the City Engineering Stormwater Utility parcel, in the 4200 Block of Sycamore Avenue; and

WHEREAS, ATC is replacing the existing pole structures along the aforementioned corridor as part of an upgrade of the overhead electric line system that runs along the Wisconsin Southern rail corridor, easterly to IH 90/94; and

WHEREAS, ATC is requesting a grant of a permanent limited easement (the "Easement") from the City in order to install a new pole structure adjacent to the existing facilities along Sycamore Avenue within City's Stormwater Utility parcel; and

WHEREAS, the Easement measures approximately 43 feet by 64 feet and crosses a narrow City-owned parcel, described on attached Exhibit A; and

WHEREAS, ATC has offered compensation to be paid to the City for the granting of the Easement of \$21,091.00. The compensation is based on an appraisal which determined both the fair market value of the City's parcel, and the loss and damages due to the permanent limited easement; and

WHEREAS, the City's Engineering Division and Office of Real Estate Services staffs have reviewed the terms and conditions of the Easement, the location and design of the Project, and the amount of compensation to be paid by ATC to the City; and recommend that the Easement be granted.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Madison hereby authorizes the grant to the American Transmission Company LLC ("ATC") a permanent limited easement ("PLE") for the installation and maintenance of a 345 kilovolt overhead transmission line and related facilities (collectively the "Facilities"), across lands located within the City's Stormwater Parcel 533 along Sycamore Avenue, as more particularly described below on Exhibit A.

BE IT FURTHER RESOLVED that the compensation payable to the City of Madison by ATC in exchange for the grant of the permanent limited easement (the "Easement") shall be Twenty One Thousand and Ninety One Dollars and 00/100 Dollars (\$21,091.00).

BE IT STILL FURTHER RESOLVED that the Easement shall be granted subject to the following conditions:

- a. ATC identifies that the principal parts of the Facilities that it intends to install in the PLE Area is a signal monopole structure; which replaces two existing pole structures. The wires will have a minimum clearance above existing ground cover of 25 feet.

- b. ATC shall remove and dispose of all undesirable trees and vegetation within the areas delineated in the plans, and shall restore these areas upon completion of construction. Restoration shall include regrading, where directed by the City, and placement of topsoil, seed and mulch.
- c. No herbicidal chemicals shall be used for weed and brush control without express written consent of the City Engineer.
- d. ATC shall be liable to and hereby agrees to indemnify, defend and hold harmless the City, and its officers, officials, agents, and employees against all loss or expense (including liability costs and attorney's fees) by reason of any claim or suit, or of liability imposed by law upon the City or its officers, officials, agents, and employees for damages because of bodily injury, including death at any time resulting therefrom, sustained by any person or persons or on account of damages to property, including loss of use thereof, arising from, in connection with, caused by or resulting from the ATC's acts or omissions in the performance of this easement, whether caused by or contributed to by the negligence of the City, its officers, officials, agents, or employees.
- e. ATC shall obtain all necessary permits from City Engineering and the Wisconsin Department of Natural Resources and shall install and maintain all erosion control measures required under such permits.
- f. At such time that ATC, or its successors, discontinue the use of the Facilities, ATC, or its successor, shall remove the Facilities at its expense if the City requests removal.

BE IT STILL FURTHER RESOLVED that the Mayor and the City Clerk are authorized to sign the easement documents and any other necessary documents related to this Project.