



Legislation Details (With Text)

**File #:** 03679      **Version:** 1      **Name:** Authorizing the grant of a permanent limited easement and a temporary construction easement to American Transmission Co. for an underground electric transmission line in a portion of the City's E. Rail Corridor between E. Washington Ave and E. Johnson St

**Type:** Resolution      **Status:** Passed

**File created:** 5/9/2006      **In control:** BOARD OF PUBLIC WORKS

**On agenda:** 7/18/2006      **Final action:** 7/18/2006

**Enactment date:** 7/20/2006      **Enactment #:** RES-06-00615

**Title:** Authorizing the grant of a permanent limited easement and a temporary construction easement to American Transmission Company for an underground electric transmission line in a portion of the City's East Rail Corridor between East Washington Avenue and East Johnson Street.

**Sponsors:** Brenda K. Konkell, Brian Benford

**Indexes:**

**Code sections:**

**Attachments:** 1. 7973 Exhibit A.pdf

| Date      | Ver. | Action By  | Action  | Result |
|-----------|------|--|---|--------|
| 7/18/2006 | 1    | COMMON COUNCIL   | Adopt   | Pass   |
| 6/21/2006 | 1    | BOARD OF PUBLIC WORKS                                      | RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER   | Pass   |
| 6/14/2006 | 1    | BOARD OF PARK COMMISSIONERS                                | Return to Lead with the Recommendation for Approval |        |
| 6/5/2006  | 1    | PLAN COMMISSION  | Return to Lead with the Recommendation for Approval | Pass   |
| 5/23/2006 | 1    | PEDESTRIAN/BICYCLE/MOTOR VEHICLE COMMISSION (ended 6/2018) | Return to Lead with the Recommendation for Approval | Pass   |
| 5/16/2006 | 1    | COMMON COUNCIL   | Refer   |        |
| 5/16/2006 | 1    | BOARD OF PUBLIC WORKS                                      | Refer   |        |
| 5/16/2006 | 1    | BOARD OF PUBLIC WORKS                                      | Refer   |        |
| 5/16/2006 | 1    | BOARD OF PUBLIC WORKS                                      | Refer   |        |
| 5/9/2006  | 1    | Community and Economic Development Unit                    | Fiscal Note Required / Approval                     |        |
| 5/9/2006  | 1    | Finance Dept/Approval Group                                | Approved Fiscal Note By The Comptroller's Office    |        |
| 5/9/2006  | 1    | Community and Economic Development Unit                    | Referred for Introduction                           |        |

**Fiscal Note**

The easement fee of \$168,500 shall be deposited in the General Fund/Rental and Property Lease revenue account.

**Title**

Authorizing the grant of a permanent limited easement and a temporary construction easement to American Transmission Company for an underground electric transmission line in a portion of the City's East Rail Corridor between East

Washington Avenue and East Johnson Street. (2nd & 12th AD)

Body

PREAMBLE

American Transmission Company ("ATC") is constructing an underground 138 kilovolt electric transmission line from the Blount Substation to a point north of East Johnson Street (the "Project"). A portion of the existing overhead transmission lines in the Isthmus involved in this Project will be removed once the underground transmission line is operational.

The route of the Project passes through a portion of the City of Madison's East Rail Corridor requiring the grant of a permanent limited easement and a temporary construction easement (the "Easements") from the City in order to pass through the City's corridor between East Washington Avenue and East Johnson Street. The Project will facilitate the placement of a bike path over the underground transmission line.

The width required for the permanent limited easement is twenty (20) feet. A map depicting the location of the permanent limited easement is attached and marked as Exhibit A. The ten (10) foot wide temporary construction easement is adjacent on each side of the permanent limited easement and is needed to accommodate the work area needed by ATC. The temporary construction easement will expire at the completion of construction activities. Compensation to be paid to the City for the granting of the Easements is \$168,500.00. Conditions specific to these Easements are listed below.

The City's Parks Division, Engineering Division and Real Estate Section staff have reviewed the terms and conditions of the Easements and the location and design of the Project and recommend that the Easements 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") of a twenty-foot (20') wide permanent limited easement ("PLE") for the installation and maintenance of an underground 138 kilovolt electric transmission line and related facilities (collectively the "Facilities"), together with a ten-foot (10') wide adjacent temporary limited easement ("TLE") for construction purposes across lands located within the City's East Rail Corridor property extending from East Washington Avenue northeasterly across the Yahara River to East Johnson Street, as more particularly described below.

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 and the temporary limited easement (collectively the "Easements") shall be One Hundred Sixty Eight Thousand Five Hundred and 00/100 Dollars (\$168,500.00).

BE IT STILL FURTHER RESOLVED that the Easements 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 are an eight-inch diameter steel pipe containing the transmission line, a two-inch diameter dielectric return line, and a two-inch diameter fiber optic line that shall be only for ATC use related to operation of the Facilities.
- 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. Desirable trees or shrubs within this area shall be transplanted or replaced as directed by the City's Parks Department staff.
- d. ATC shall repair or replace any existing paved surfaces damaged by construction or by access to and from the easement area.
- 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. ATC shall be responsible for all coordination with adjacent railroads, including any permits required for temporary crossings and any other use of railroad property.

- g. ATC shall temporarily fence, sign or otherwise maintain the construction areas to reasonably protect the pedestrian and bicycling public from dangerous conditions such as pits, trenches and operating equipment.
- h. ATC shall coordinate construction and maintenance activities between East Washington Avenue and North Thornton Avenue with the adjacent businesses and shall make reasonable accommodations to not place undue hardship on these businesses particularly at times when their access is diminished by East Washington Avenue construction.
- i. In addition to the centerline survey description and exhibit maps required for the Easements, ATC shall resurvey the City's East Rail Corridor property after completion of the installation of the Facilities and shall replace survey irons damaged or destroyed during construction.
- j. 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.
- k. ATC shall design its Facilities, to the extent practical, to accommodate a paved pedestrian/bike path above the Facilities and shall cooperate with City Engineering to complete the grading and restoration in a manner that is compatible with and assists the completion of a continuous paved pedestrian/bike path from the Yahara River to East Johnson Street. For the portion of the easement area located between East Washington Avenue and North Thornton Avenue, the design criterion shall be restoration of the paved surface to a condition not less than equal to that which presently exists.

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.

#### Legal Description

A 20-foot wide permanent limited easement being all that part of the City of Madison's East Rail Corridor property lying 10 feet on each side of the following described reference line located in part of lots 9, 10, 11, 12, 14, 15, and 16 of Farwell's Replat, City of Madison, Dane County, Wisconsin also being located in the SW  $\frac{1}{4}$  -SW  $\frac{1}{4}$  of Section 6 and the NW  $\frac{1}{4}$ -NW  $\frac{1}{4}$  of Section 7 all in Township 7 North, Range 10 East, City of Madison, Dane County Wisconsin, more particularly described as follows:

Commencing at the Southwest corner of said Section 6; thence N00°48'14"E, along the west line of the Southwest Quarter of said Section 6, a distance of 583.46 feet to the southeasterly right-of-way line of East Johnson Street; thence N49°06'08"E along said right-of-way, a distance of 346.74 feet; thence N50°24'10"E along said right-of-way, a distance of 98.50 feet to a found  $\frac{3}{4}$ " iron pin; thence continuing along said right-of-way line N50°24'10"E, a distance of 48.72 feet to the point of beginning; thence S08°26'26"W, a distance of 524.18 feet; thence S06°45'55"E, a distance of 86.55 feet; thence S06°20'57"W, a distance of 223.37 feet; thence S09°01'51"W, a distance of 175.41 feet; thence S18°58'00"W a distance of 116.08 feet; thence S06°02'35"W, a distance of 162.36 feet; thence S00°53'33"W, a distance of 176.88 feet; thence S17°01'52"W, a distance of 48.96 feet to the northwesterly right-of-way line of East Washington Avenue and being the point of termination of this description. Extending and/or shortening the sidelines so as to terminate at said right-of-way lines.

Together with a temporary construction easement being all that area encompassed between two lines each being parallel to and 20 feet distant from, as measured at right angles to, the above-described permanent limited easement reference line, except as limited by the side lines of the City of Madison East Rail Corridor property, and including approximately 21,750 square feet of construction staging area adjacent to and partially extended into Burr Jones Field and located approximately 340 feet south of the southeasterly right of way line of East Johnson Street as measured along said permanent easement reference line.