



## Legislation Details (With Text)

**File #:** 19347      **Version:** 1      **Name:** 9432 Old Middleton Rd. Sidewalk Easement  
**Type:** Resolution      **Status:** Passed  
**File created:** 7/27/2010      **In control:** BOARD OF PUBLIC WORKS  
**On agenda:** 9/7/2010      **Final action:** 9/7/2010  
**Enactment date:** 9/9/2010      **Enactment #:** RES-10-00728  
**Title:** Authorizing the Common Council to accept a Permanent Limited Easement for Public Sidewalk Purposes from Casey Nagy and Jo Handelsman across the property located at 6038 Old Middleton Road.  
**Sponsors:** Mark Clear  
**Indexes:**

### Code sections:

**Attachments:** 1. 9432 Old Middleton Rd Nagy Property SDWK PLE&TLE\_Black & White.pdf

Date	Ver.	Action By	Action	Result
9/7/2010	1	COMMON COUNCIL	Adopt	Pass
8/18/2010	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
8/9/2010	1	PLAN COMMISSION	Return to Lead with the Recommendation for Approval	Pass
8/3/2010	1	BOARD OF PUBLIC WORKS	Refer	
8/3/2010	1	COMMON COUNCIL	Referred	
7/28/2010	1	Community and Economic Development Unit	Referred for Introduction	

### Fiscal Note

No expenditure required.

### Title

Authorizing the Common Council to accept a Permanent Limited Easement for Public Sidewalk Purposes from Casey Nagy and Jo Handelsman across the property located at 6038 Old Middleton Road.

### Body

WHEREAS, the City Engineering Division is reconstructing Old Middleton Road from Capital Avenue to Countryside Lane - Engineering Project No. 53B0765; and

WHEREAS, the reconstruction of Old Middleton Road includes the installation of new public sidewalk on the south side of the existing right-of-way of Old Middleton Road; and

WHEREAS, the installation of the new public sidewalk may result in the possible damage or removal of a number of existing terrace trees, include a large oak tree located at 6038 Old Middleton Road; and

WHEREAS, Casey Nagy and Jo Handelsman (the "Owners") are the owners of the property located at 6038 Old Middleton Road and have requested that the new public sidewalk be constructed further from the curb limiting the potential damage to said oak tree; and

WHEREAS, the Owners have agreed to convey an permanent limited easement for public sidewalk purposes (the "PLE") and a Temporary Limited Easement for grading (the "TLE") to the City, at no cost to the City, to

allow the construction of the new public sidewalk further from the curb; and

WHEREAS, the City Engineering Division staff have reviewed the recommend the acceptance of the PLE and TLE.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Madison is hereby authorized to accept, from Casey Nagey and Jo Handelsman, at no cost to the City, a Permanent Limited Easement for Public Sidewalk Purposes and Temporary Limited Easement for grading, across the following described lands and depicted on Exhibit A.

BE IT FURTHER RESOLVED that City of Madison is hereby authorized to accept, from other property owners affected by Engineering Project No. 53B0765, at no cost to the City, Permanent Limited Easements for Public Sidewalk Purposes and Temporary Limited Easements for grading, that may be required to accomplish the similar purpose of this resolution.

Legal Description of Easement Areas:

**Permanent Limited Easement (PLE) for Public Sidewalk Purposes:  
Easement Legal Description:**

Part of Lot 1, CSM 245, a recorded Certified Survey Map in the Dane County Register of Deeds Office in Volume 1 of Certified Survey Maps, page 245, as Document No. 1188606, which subdivided former Lot 7, Countryside Addition, being located in the East ½ of the Northeast ¼ of Section Thirteen (13), Town 07 North, Range 08 East, City of Madison (formerly Town of Middleton), Dane County, Wisconsin to-wit:

A Permanent Limited Easement for Public Sidewalk Purposes over, under and across that part of said Lot 1; Commencing at the most Southerly corner of said Lot 1; thence N 32°35'05" W, along the Southwest line of said Lot 1, also being the Northeasterly right-of-way line of Old Middleton Road as depicted on Certified Survey Map 245, 89.26 feet to an angle point; thence N 33°40'05" W, continuing along said Southwest line of Lot 1 and Northeasterly right-of-way line, 69.97 feet to the **Point of Beginning**; thence continuing N 33°40'05" W, along said Southwest line of Lot 1 and Northeasterly right-of-way line, 25.40 feet to a point of curve at the intersection with the Easterly right-of-way line of Heim Avenue; thence Northerly along the arc of a 15.0 feet radius curve to the right having a long chord N 03°10'48" E, 17.99 feet; thence S 01°59'47" E, 17.65 feet; thence S 32°57'45" E, 23.44 feet; thence S 09°01'36" E, 1.82 feet to the **Point of Beginning**.

Said Permanent Limited Easement area contains 84.6 square feet as depicted on map Exhibit "A".

**Temporary Limited Easement (TLE) for Sidewalk Construction Purposes:  
Easement Legal Description:**

Together with a Temporary Limited Easement for Construction Purposes over, under and across that part of said Lot 1; Commencing at the most Southerly corner of said Lot 1; thence N 32°35'05" W, along the Southwest line of said Lot 1, also being the Northeasterly right-of-way line of Old Middleton Road as depicted on Certified Survey Map 245, 89.26 feet to an angle point; thence N 33°40'05" W, continuing along said Southwest line of Lot 1 and Northeasterly right-of-way line, 61.70 feet to the **Point of Beginning**; thence continuing N 33°40'05" W, along said Southwest line of Lot 1 and Northeasterly right-of-way line, 8.27 feet; thence N 09°01'36" E, 1.82 feet; thence N 32°57'45" W, 23.44 feet; thence N 01°59'47" W, 17.65 feet to a point on a curve along the Easterly right-of-way line of Heim Avenue; thence Northeasterly along the arc of a 15.0 feet radius curve to the right having a long chord N 47°34'14" E, 3.94 feet; thence S 01°59'57" E, 19.72 feet; thence S 34°01'13" E, 31.94 feet; thence S 57°01'58" W, 4.53 feet to the **Point of Beginning**.

Said Temporary Limited Easement contains 168.0 square feet as depicted on map Exhibit "A".

BEARING REFERENCE: Bearings are referenced to NAD27 Grid North per Certified Survey Map 245.