



Legislation Details (With Text)

**File #:** 25829      **Version:** 1      **Name:** 9838 ATC Orchard Ridge Park Reso  
**Type:** Resolution      **Status:** Passed  
**File created:** 4/3/2012      **In control:** BOARD OF ESTIMATES (ended 4/2017)  
**On agenda:** 5/15/2012      **Final action:** 5/15/2012  
**Enactment date:** 5/18/2012      **Enactment #:** RES-12-00337

**Title:** Authorizing the grant of a permanent limited easement to American Transmission Company for an electric transmission line across a portion of the Orchard Ridge Valley Park, located at 961 Gilbert Road.

**Sponsors:** Brian L. Solomon

**Indexes:**

**Code sections:**

**Attachments:** 1. 9838 ATC Easement Legal Desc.pdf, 2. 9838 ATC Easement Map.pdf, 3. 9838 Orchard Aerial Photo.pdf

Date	Ver.	Action By	Action	Result
5/15/2012	1	COMMON COUNCIL	Adopt	Pass
5/7/2012	1	BOARD OF ESTIMATES (ended 4/2017)	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
4/23/2012	1	PLAN COMMISSION	Return to Lead with the Recommendation for Approval	Fail
4/11/2012	1	BOARD OF PARK COMMISSIONERS	Return to Lead with the Recommendation for Approval	Pass
4/10/2012	1	BOARD OF ESTIMATES (ended 4/2017)	Refer	
4/10/2012	1	BOARD OF ESTIMATES (ended 4/2017)	Refer	
4/10/2012	1	COMMON COUNCIL	Referred	
4/3/2012	1	Economic Development Division	Referred for Introduction	

**Fiscal Note**

The easement fee totaling \$22,200 will be deposited into Parks Capital Account CL60-78321-810398 "Parkland Acquisition".

**Title**

Authorizing the grant of a permanent limited easement to American Transmission Company for an electric transmission line across a portion of the Orchard Ridge Valley Park, located at 961 Gilbert Road.

**Body**

American Transmission Company ("ATC") is constructing a 345 kilovolt overhead electric transmission line from Rockdale Substation in the Town of Christiana to the new Cardinal Substation in the Town of Middleton (the "Project").

The route of the Project passes through a portion of the City of Madison's Orchard Ridge Valley Park (the "Park") which is located at 961 Gilbert Road, on the City's West side. ATC is requesting a grant of a permanent limited easement (the "Easement") from the City in order to construct the Project through a portion of the Park.

The Easement is approximately 14 feet wide and 597 feet in length as it runs along the northern boundary of the Park, adjacent to the West Beltline Highway right-of-way. The easement area contains 0.215 acres or 9,365 square feet. A general location map depicting the Easement is attached and marked as Exhibit A.

Compensation to be paid to the City for the granting of the Easement is \$22,200.00. 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 Easement. Conditions specific to the Easement are listed below.

The City's Park Division and Office of Real Estate Services staffs have reviewed the terms and conditions of the Easement, and the location and design of the Project, and determined that the Easement does not interfere with the public park purposes and recreational uses of the easement area, 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") of a permanent limited easement (the "Easement") 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 Orchard Ridge Valley Park, located at 961 Gilbert Road, 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 Easement shall be Twenty Two Thousand Two Hundred and 00/100 Dollars (\$22,200.00).

BE IT FURTHER RESOLVED that the Council determines that the Easement does not interfere with the public park and recreation uses of the easement area.

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

- a. ATC shall agree that the principal parts of the Facilities that it intends to install in the Easement do not include any monopole structures. The overhead wires will have a minimum clearance above existing ground cover of about 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/or the Wisconsin Department of Natural Resources and shall install and maintain all erosion control measures required under such permits; if applicable.
- 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, and the Easement shall be terminated.

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