



Legislation Details (With Text)

**File #:** 52069      **Version:** 1      **Name:** Determining a Public Purpose and Necessity and adopting a Relocation Order for the acquisition of land interests required for flood mitigation in association with a stormwater overflow drainage way and storm sewer within Lot 170, Hawk’s Landing Golf Club,

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

**File created:** 6/13/2018      **In control:** BOARD OF PUBLIC WORKS

**On agenda:** 7/10/2018      **Final action:** 7/10/2018

**Enactment date:** 7/13/2018      **Enactment #:** RES-18-00515

**Title:** Determining a Public Purpose and Necessity and adopting a Relocation Order for the acquisition of land interests required for flood mitigation in association with a stormwater overflow drainage way and storm sewer within Lot 170, Hawk’s Landing Golf Club, in the City of Madison, Dane County, Wisconsin.  
(1st AD)

**Sponsors:** Barbara Harrington-McKinney

**Indexes:**

**Code sections:**

**Attachments:** 1. Vicinity Map Hawks Landing Mitigation.pdf, 2. 11857 Relocation Order.pdf

Date	Ver.	Action By	Action	Result
7/10/2018	1	COMMON COUNCIL	Adopt	Pass
7/2/2018	1	PLAN COMMISSION	Return to Lead with the Recommendation for Approval	Pass
6/20/2018	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
6/19/2018	1	BOARD OF PUBLIC WORKS	Referred	
6/19/2018	1	COMMON COUNCIL	Refer	Pass
6/13/2018	1	Engineering Division	Referred for Introduction	

**Fiscal Note**

The proposed resolution approves the acquisition of land for flood mitigation work at Hawk’s Landing on the City’s west side at a total estimated cost of \$90,000. Funding for the acquisition is provided by GO Borrowing budgeted in the Stormwater Utility’s 2018 adopted capital budget via the Citywide Flood Mitigation program (MUNIS 11513) which funds projects that improve stormwater network performance in City locations that flood during large rain events.

**MUNIS:**  
11857-84-200

**Title**

Determining a Public Purpose and Necessity and adopting a Relocation Order for the acquisition of land interests required for flood mitigation in association with a stormwater overflow drainage way and storm sewer within Lot 170, Hawk’s Landing Golf Club, in the City of Madison, Dane County, Wisconsin.  
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## Body

### PREAMBLE

**WHEREAS**, the plat of Hawk's Landing Golf Club (the "Plat") was conditionally approved by the City of Madison Common Council on the 16th of May, 2000, by Enactment Resolution Number 57301, File ID No. 27453 and those conditions of approval were fulfilled on the 1st of June, 2000; and

**WHEREAS**, the Plat was subsequently recorded upon the satisfaction of the conditions of approval on the 7th of June, 2000 in Volume 57-1505B of Plats on pages 605-614, as Document Number 3219695, Dane County Register of Deeds; and

**WHEREAS**, the southern 15 feet of Lot 170 (the "Property") of the Plat is subject to a platted Public Storm Sewer and Utility Easement (the "Drainage Easement"). The Drainage Easement is occupied by an underground storm sewer and also serves as an overland overflow drainage channel for the public storm water discharged from a storm water retention pond ("Retention Pond C") located east of the Property within adjacent Lot 234 ("Golf Course") of the Plat; and

**WHEREAS**, Retention Pond C is subject to a Public Storm Water Drainage Way and Retention Pond Maintenance Agreement: Hawk's Landing Golf Club ("Maintenance Agreement") recorded on July 27<sup>th</sup>, 2000 as Document No. 3235353 and said Maintenance Agreement is subject to a Decision and Order in Hawks Landing Golf Corp. V. City of Madison (Case No. 08CV2767) recorded on June 30<sup>th</sup>, 2010 as Document No. 4668740. Said Maintenance Agreement and Order define the terms and conditions between the City of Madison and the owner of the Golf Course for the construction and maintenance of the Public Drainage Ways and Public Retention Ponds located within the Golf Course; and

**WHEREAS**, over the last several years, the owner of said Lot 170 ("Owner") has reported the Property has incurred numerous flooding instances that involved storm water intrusion into the lowest level of the Owner's home; and

**WHEREAS**, the City of Madison Engineering Division has established Engineering Project No. 11497 - Hawks Landing West Flood Study to determine the extent of flooding within the overall Hawks Landing development and provide a flood mitigation plan; also established is Engineering Project No. 11857 - 1809 Hidden Hill Flood Mitigation to provide a flood mitigation plan specifically for the Owner's Property; and

**WHEREAS**, the City of Madison Engineering Division has determined that a flood wall is a viable option to protect the house from flooding but may not be the least costly option; and

**WHEREAS**, the City of Madison Engineering Division has identified a second option to mitigate the impact of flooding to building improvements within the Owner's Property which would restrict all openings of any building located within the Owner's Property to have a minimum elevation as determined by the City of Madison Engineering Division; and

**WHEREAS**, the City of Madison Office of Real Estate Services has established a Master File / Project No. 11643 to facilitate and administer the acquisition of required land interests and / or restrictions required to mitigate the public storm water drainage flooding impacts to buildings located within the Owner's Property; and

**WHEREAS**, attached hereto and made part of this resolution is a City of Madison Relocation Order Map titled "PLAT OF LAND INTERESTS REQUIRED TO MITIGATE PUBLIC STORM WATER DRAINAGE FLOODING IMPACTS TO BUILDINGS WITHIN LOT 170, HAWK'S LANDING GOLF CLUB, LOCATED IN THE SW 1/4 OF THE SW 1/4 OF SECTION 33, T7N, R8E, IN THE CITY OF MADISON, DANE COUNTY, WISCONSIN; AND,

**WHEREAS**, this Relocation Order Map identifies the necessary public land interest areas of acquisition as shown on the City of Madison Relocation Order Map and Schedule of Land Interests Required to mitigate the

public storm water drainage flooding impacts to buildings within the Owner's Property; and,

**WHEREAS**, all required funding for the land interest acquisitions by the City of Madison will be available in Account Number 11857-84-200 - 1809 Hidden Hill Flood Mitigation.

**NOW THEREFORE BE IT RESOLVED,**

1. That this Resolution is a Relocation Order in accordance with Section 32.05(1) and 62.22, Wisconsin Statutes for the purpose of the within described public acquisition project and that this acquisition is determined to be necessity in accordance with Section 32.07(2), Wisconsin Statutes, and the acquisition shall allow for the mitigation the public storm water drainage flooding impacts to buildings within the Owner's Property, Engineering Project No. 11857.
2. That the City of Madison hereby determines that it is necessary and a public purpose exists to acquire necessary land interests from the properties/parties as identified in the Schedule of Land Interests on the attached Relocation Order Map and such acquisitions are required to allow for the mitigation the public storm water drainage flooding impacts to buildings within the Owner's Property.
3. That the Common Council of the City of Madison, does hereby adopt this relocation order to acquire the necessary land interests required for the mitigation the public storm water drainage flooding impacts to buildings within the Owner's Property - Engineering Division Project Number 11857 - 1809 Hidden Hill Flood Mitigation, consisting of the attached Relocation Order Map in accordance with Section 32.05(1) and 62.22, Wisconsin Statutes.
4. That the Office of Real Estate Services of the Economic Development Division and the City Attorney are hereby authorized to proceed by negotiation or condemnation under authority of Section 32 and 62.22 of the Wisconsin Statutes to acquire the real estate interests shown on said Relocation Order. Also, the Office Real Estate Services is further authorized to obtain title reports, appraisals, survey information, environmental site assessment reports, and any other essential material or reports as may be necessary to perform due diligence in accomplishing the acquisition.
5. That the City Of Madison Office of Real Estate Services Division of the Economic Development Division staff shall administer the acquisition of all land interests by Real Estate Master Project No. 11643.
6. That the City of Madison Office of Real Estate Services of the Economic Development Division is hereby authorized to execute the jurisdictional offer, lis pendens, and award of the compensation if condemnation proceedings under Section 32 of the Wisconsin Statutes are necessary.
7. That the Mayor and City Clerk are authorized to sign all necessary documents to accomplish the acquisition.