



## Legislation Details (With Text)

<b>File #:</b>	53305	<b>Version:</b>	1	<b>Name:</b>	Determining a Public Purpose and Necessity and adopting a Relocation Order for the acquisition of land interests required for the construction and maintenance of a new public sanitary sewer within a parcel located in the northeastern quadrant at the inter
<b>Type:</b>	Resolution	<b>Status:</b>	Passed		
<b>File created:</b>	9/26/2018	<b>In control:</b>	Engineering Division		
<b>On agenda:</b>	10/30/2018	<b>Final action:</b>	10/30/2018		
<b>Enactment date:</b>	11/5/2018	<b>Enactment #:</b>	RES-18-00749		

**Title:** Determining a Public Purpose and Necessity and adopting a Relocation Order for the acquisition of land interests required for the construction and maintenance of a new public sanitary sewer within a parcel located in the northeastern quadrant at the intersection of W. Mineral Point Road and Pioneer Road. Located in part of the NE ¼, SW ¼ and SE ¼ of the SE ¼ of Section 20, T7N, R8E. (Town of Middleton adjacent to 9th AD)

**Sponsors:** Paul E. Skidmore

**Indexes:**

**Code sections:**

**Attachments:** 1. West Elderberry Sewer Vicinity Map.pdf, 2. Elderberry Relocation Order 11842 .pdf

Date	Ver.	Action By	Action	Result
10/30/2018	1	COMMON COUNCIL	Adopt	Pass
10/17/2018	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
10/15/2018	1	PLAN COMMISSION	Return to Lead with the Recommendation for Approval	Pass
10/2/2018	1	BOARD OF PUBLIC WORKS	Referred	
10/2/2018	1	COMMON COUNCIL	Refer	Pass
9/26/2018	1	Engineering Division	Referred for Introduction	

### Fiscal Note

The proposed resolution adopts the relocation order for the acquisition of land interests required for the construction of a new public sanitary sewer near Mineral Point Road and Pioneer Road. The cost of the acquisition costs are estimated to be \$180,000. Funding via Impact Fees are budgeted within the Sewer Impact Fee District program within the Sewer Utilities adopted 2018 capital budget for the costs (MUNIS 11842).

**MUNIS:**  
11842-83-160-012419

### Title

Determining a Public Purpose and Necessity and adopting a Relocation Order for the acquisition of land interests required for the construction and maintenance of a new public sanitary sewer within a parcel located in the northeastern quadrant at the intersection of W. Mineral Point Road and Pioneer Road. Located in part of the NE ¼, SW ¼ and SE ¼ of the SE ¼ of Section 20, T7N, R8E. (Town of Middleton adjacent to 9th AD)

## Body

### PREAMBLE

**WHEREAS**, the City of Madison Common Council adopted RES-18-00519, File ID 51978 on July 10, 2018 authorizing amending the 2018 Sanitary Sewer Utility Budget providing additional funds to the West Elderberry Neighborhood Sanitary Sewer Improvement Impact Fee District (project 11842); and,

**WHEREAS**, the City of Madison Common Council adopted ORD-18-00079, File ID 52061 on July 24, 2018 creating Sections 20.08(1) and 20.08(6) of the Madison General Ordinances to establish the West Elderberry Neighborhood Sanitary Sewer Improvement Impact Fee and corresponding Impact Fee District; and,

**WHEREAS**, the City of Madison has determined sanitary sewer is needed to meet development demands that have been approved by both the Capital Area Regional Planning Commission and the City of Madison Common Council; and,

**WHEREAS**, the City of Madison Engineering Division has established Munis Project Number 11842 West Elderberry Sanitary Impact Fee, for the design, construction and administration of the public sanitary sewer project; and,

**WHEREAS**, acquisition of public land interests are required to accomplish the required construction of sanitary sewer facilities in conjunction with the West Elderberry Sanitary Impact Fee project; and,

**WHEREAS**, the City of Madison Office of Real Estate Services Division of the Economic Development Division has established a Master File / Project No. 11663 to facilitate and administer acquisition of required land interests to construct the necessary public sanitary sewer improvements; and

**WHEREAS**, attached hereto and made part of this resolution is a City of Madison Relocation Order Map titled "Plat of land interests required for the construction and maintenance of improvements for a public sanitary sewer", located in part of the NE ¼, SW ¼ and SE ¼ of the SE ¼, of Sec 20, T 7 N, R 8 E, Town of Middleton, Dane Co, 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 Interests Required for the public sanitary sewer improvements; and,

**WHEREAS**, all required funding for the land interest acquisitions by the City of Madison will be available in Account Number 11842-83-160-012419, West Elderberry Sanitary Impact Fee. (Easement Acquisition)

### 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 construction of planned public sanitary sewer improvements of West Elderberry Sanitary Impact Fee Project No. 11842.
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 Interests Required on the attached Relocation Order Map and such acquisitions are required to allow for the construction of said public sanitary sewer improvements.
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 installation of public sanitary sewer improvements associated with Engineering Division Project Number 11842, West Elderberry Sanitary Impact Fee, 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 Division 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, and 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. 11663.
6. That the City of Madison Office of Real Estate Services Division 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.