



Legislation Details (With Text)

**File #:** 64770      **Version:** 1      **Name:** 12220 - Consent to Occupy Easement  
**Type:** Resolution      **Status:** Passed  
**File created:** 3/22/2021      **In control:** Economic Development Division  
**On agenda:** 4/20/2021      **Final action:** 4/20/2021  
**Enactment date:** 4/26/2021      **Enactment #:** RES-21-00281

**Title:** Authorizing the Mayor and City Clerk to execute a Consent to Occupy Easement for the benefit of Madison Gas and Electric Company to allow new underground electrical service lateral improvements within an existing Easement for All Public Uses granted to the City, which encumbers the properties located at 6226 N. Highlands Avenue and 1405 E. Skyline Drive. (19th AD)

**Sponsors:** Keith Furman

**Indexes:**

**Code sections:**

**Attachments:** 1. 12220 Resolution - Exhibit A.pdf, 2. 12220 Resolution - Exhibit B.pdf

Date	Ver.	Action By	Action	Result
4/20/2021	1	COMMON COUNCIL	Adopt Unanimously	Pass
3/31/2021	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
3/30/2021	1	COMMON COUNCIL	Referred	
3/22/2021	1	Economic Development Division	Referred for Introduction	

**Fiscal Note**

The City’s Engineering Division has reviewed and approved the proposed Consent to Occupy Easement. No City appropriation is required.

**Title**

Authorizing the Mayor and City Clerk to execute a Consent to Occupy Easement for the benefit of Madison Gas and Electric Company to allow new underground electrical service lateral improvements within an existing Easement for All Public Uses granted to the City, which encumbers the properties located at 6226 N. Highlands Avenue and 1405 E. Skyline Drive. (19th AD)

**Body**

WHEREAS, the City of Madison (“City”) Plan Commission approved an application for a demolition permit at their meeting on August 26, 2019, for the demolition of an existing single-family residence and the subsequent construction of a new single-family residence at the property located at 6226 N. Highlands Avenue; and

WHEREAS, an underground electrical service lateral is necessary to serve the new single-family residence, and Madison Gas and Electric Company’s (“MG&E”) proposed location for the installation of the new lateral requires the use of a portion of an existing Easement For All Public Uses, which was granted to the City by the plat of Sky View Terrace, recorded in Volume 19 of Plats, Pages 15-16, as Document No. 918879 on May 24, 1956, in the Office of the Dane County Register of Deeds in the City of Madison, Dane County, Wisconsin (“Easement”); and

WHEREAS, public underground storm sewer improvements are located in portions of the Easement and the Easement is also used as a drainage way to convey public stormwater surface drainage (together, the “Drainage Improvements”); and

WHEREAS, the City will allow MG&E to cross a portion of the Easement and Drainage Improvements to install the new underground electrical service lateral improvements ("Permitted Improvements") identified on attached Exhibit B, in, on and across a 10-foot-wide strip of land legally described on attached Exhibit A and depicted in attached Exhibit B ("Consent to Occupy Area"); and

WHEREAS, as a condition of the approval to cross the City's Easement and the Drainage Improvements, the City's Engineering Division requires a Consent to Occupy Easement between the City and MG&E to memorialize the placement of the Permitted Improvements in, on and across the Consent to Occupy Area, as identified on attached Exhibit B, subject to the terms and conditions specified therein.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the City Clerk are hereby authorized to execute a Consent to Occupy Easement for the benefit of Madison Gas and Electric Company.