



Legislation Text

File #: 02631, **Version:** 1

Fiscal Note

All acquisition costs, estimated at \$75,000, but may exceed this amount following condemnation proceedings, to be charged to account CS53-54950-810378-53B2054-Other - Developer Expense, Owl's Creek - Phase I-Land/Easement - Acquisition Costs and reimbursed 100% by Developer.

Title

Determining a Public Purpose and necessity and adopting a Relocation Order for the City of Madison to purchase a portion of the property at 5102 Meinders Road, adjacent to the recently recorded Owl's Creek Subdivision, which is required for the planned public street improvements for Owl Creek Drive, and authorizing the Mayor and City Clerk to sign all documents necessary to accomplish the acquisition of said properties.

(16th AD)

Body

PREAMBLE

WHEREAS, the City of Madison Common Council approved Owl's Creek Subdivision per Enactment No. RES-05-00603 adopted on July 5, 2005; and

WHEREAS, the Owl's Creek Subdivision was recorded on November 9, 2005 in Volume 58-093B of Plats on Pages 477-480 as Document No. 4130685, Dane County Registry; and

WHEREAS, Owl's Creek Subdivision dedicated a portion of public street right-of-way for Owl Creek Drive along the east boundary of this subdivision; and

WHEREAS, the Developer of this subdivision, Nelson Development Group Corporation-Doug Nelson, was unable to negotiate the purchase of an approximate 30 feet by 330 feet rectangular portion of property owned by Donald R. & Bonita M. and Robbie R. & Stacie Peterson adjacent to the Owl's Creek Subdivision; and

WHEREAS, this rectangular portion of the Peterson property is required for the public street improvements for Owl Creek Drive, which will provide the necessary public street/transportation connection of Owl Creek Drive with Yesterday Drive in the adjacent Madison Commerce Park subdivision; and

WHEREAS, the City of Madison Engineering Division has established and entered into Private Contract No. 2054 - Engineering Project No. 53B2054 -Owl's Creek Subdivision with Nelson Development Group Corporation for the construction of public infrastructure associated with said Owl's Creek Subdivision; and

WHEREAS, per this Private Contract agreement, the City of Madison will assist in the condemnation and acquisition of the subject Peterson lands, and all costs associated with this process shall be reimbursed 100% by the Nelson Development Group Corporation; and

WHEREAS, the City of Madison Real Estate Section of the Community and Economic Development Unit has established a Master File / Project No. 8369 to administer the property acquisition required for the proposed improvements for the Starkweather Creek Bike Path adjacent to each of these two parcels; and

WHEREAS, a copy of this plat of right-of-way is attached to this resolution; and

WHEREAS, all required funding for the land interest acquisitions by the City of Madison will be available in Account No. CS53-54950-810378-00-53B2054;

NOW COMES the City Of Madison, Dane County, Wisconsin, by its City Council and for its relocation Order hereby resolves as follows:

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 necessary in accordance with Section 32.07(2), Wisconsin Statutes, and the acquisition shall allow for the construction of planned public improvements of Starkweather Creek Bike Path, Engineering Project No. 53B0963.
2. That the City of Madison Real Estate Section of the Community and Economic Development Unit 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 Real Estate Section 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.
3. That the City of Madison Real Estate Section of the Community and Economic Development Unit 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.
4. That the Mayor and City Clerk are authorized to sign all necessary documents necessary to accomplish the acquisition.
5. The legal description of the property, per Volume 14772 of Records Page 29 as Document No. 2223965 recorded September 20, 1990, to be acquired is further described as follows:

Part of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 27, Town 07 North, Range 10 East, City of Madison, formerly Township of Blooming Grove, more particularly described as follows: Commencing at the South $\frac{1}{4}$ corner of said Section 27; thence N $00^{\circ}38'00''$ W, 997.18 feet; thence N $88^{\circ}27'34''$ E, 1327.05 feet to the East line of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 27, said point being the **point of beginning**; thence S $88^{\circ}27'34''$ W, 30.00 feet; thence N $00^{\circ}47'43''$ W, 330.03 feet to the North line of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 27; thence N $88^{\circ}27'34''$ E, along said North line, 30.00 feet to the East line of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 27; thence S $00^{\circ}47'43''$ E, along said East line, 330.03 feet to the **point of beginning**. Containing 9,900 square feet or 0.227 acre.

Subject to Easement for Ingress, Egress and Encroachments per Volume 14772 of Records, Pages 34-36, as Document No. 2223967.

NOTE:

Ingress and Egress Easement rights per Document No. 2223967 to Donald R. & Bonita M. Peterson will also be acquired as part of this condemnation and ultimately resulting in the Peterson property having 30 feet of frontage on Owl Creek Drive. Permanent easement rights to allow for existing garage and septic system encroachments per said Document No. 2223967 are intended to be perpetuated.

Ingress and Egress Easement rights per Document No. 2223967 to Albert P. & Charlotte M. Cole were transferred by deed to the Developer, Nelson Development Group Corporation, and negated by the Owl Creek Subdivision.