Legislation Text

File #: 15547, **Version:** 1

Fiscal Note

This resolution requires the City of Madison Water Utility to pay to the City of Madison Engineering Division an easement fee of $129,816. Funds are available in Water Utility Account No. EW01-58273-810455-00-53W0850.

Title

Authorizing the execution of a Declaration of Public Water Main Easement pertaining to the City-owned Cannonball Run Bike Path Corridor.

Body

WHEREAS, On July 7, 2009, the Common Council adopted Resolution Enactment No. RES-09-00609, File ID No. 15017, approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for the Cannonball Run Pipeline Project, Contract No. 6382; and

WHEREAS, such project pertains to the installation of public water main facilities within the Cannonball Run Bike Path corridor (the “Corridor”) to improve water supply to the Arbor Hills Neighborhood and surrounding areas; and

WHEREAS, a portion of the Corridor is owned by the City of Madison; and

WHEREAS, the City of Madison Engineering Division and Water Utility have worked together on a collaborative plan for both the bike path and water main construction within the Corridor; and

WHEREAS, the City of Madison Engineering Division has reviewed and approves of an easement for public water main facilities within the Corridor, subject to certain conditions.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the City Clerk are hereby authorized to execute a Declaration of Public Water Main Easement allowing for the installation and operation of underground water main facilities (the “Facilities”) within a portion of the Cannonball Run Bike Path corridor (the “Corridor”) owned by the City, on the following terms and conditions:

1. The “Easement Area” is described in attached Exhibit A and depicted in attached Exhibit B.

2. The Declaration shall include, but not be limited to, the rights of the City of Madison Water Utility (“Utility”) to ingress from and egress to the Easement Area; to excavate, construct, operate, repair, replace, and/or maintain the Facilities in the Easement Area; and to perform all work incidental thereto.

3. The City reserves the right to use the Easement Area for the construction, operation, repair, replacement, and/or maintenance of a paved public pedestrian and bicycle path.

4. No above-ground improvements shall be located in the Easement Area, with the exception that pavement, concrete, grates and other access points to the Facilities shall be permitted at grade level.

5. All areas affected by any work performed by the Utility will be promptly restored to original grade and vegetation or surface condition, including repair or replacement of pavement and concrete, by and at

the expense of the Utility after completion of said work (or as soon thereafter as weather reasonably permits) and in a manner satisfactory to the City of Madison Engineer.

6. No grade change shall be made to the Easement Area without the written consent of the City of Madison Water Utility General Manager and City of Madison Engineer.

7. The Utility shall pay to the City a fee of $129,816 for the grant of the easement described in the Declaration. Such easement fee is based on the cost per lineal foot of the base course and asphalt for a 10-foot wide bike path. The City shall use such easement exclusively for the construction of a paved path within the Corridor.

The Declaration may not be amended, modified, terminated, or released without the written consent of the City of Madison Water Utility General Manager and the City of Madison Engineer.