



## Legislation Text

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**File #:** 22952, **Version:** 1

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### Fiscal Note

Funds are available in the Water Utility's 2011 Operating Budget to cover the costs of the transfer of this property from the Parks Division.

### Title

Authorizing the transfer of property in Leopold Park from the Parks Division to the Water Utility for the site of a future booster pump station.

### Body

The Madison Water Utility ("WU") has looked for a suitable location for a booster pump station in the vicinity of Todd Drive and the Beltline. This booster pump station is needed to improve available fire flow, improve system reliability and provide the ability to transfer water between pressure zones. The WU has identified a site of approximately 0.4 acres (the "Property") generally located at the northwest corner of Leopold Park located at 2906 Traceway Drive. The Property is currently used and maintained by the City of Madison Parks Division ("Parks") and is shown in Exhibit "A".

WHEREAS, Parks has agreed create a Certified Survey Map to subdivide Leopold Park, as shown on the attached Exhibit A, into Lot 1 and Outlot 1 (the "Property"); and

WHEREAS, Parks desires to transfer to the WU the Property under the terms and conditions hereinafter set forth.

NOW, THEREFORE BE IT RESOLVED that the Common Council hereby authorizes the transfer of the Property between the WU and Parks for the future siting of a booster pump station, on the following terms and conditions:

1. Surplus Declaration: The City of Madison Parks Division hereby declares the Property, described above and shown on Exhibit A, to be surplus to its needs;
2. Description. Parks agrees to transfer the Property to the WU. The legal description and total actual square footage of the Property shall be established prior to closing and upon completion of the land division identified in Paragraph 5 below. The Property shall be generally laid out as shown on Exhibit A and shall consist of approximately 0.4 acres;
3. Price. The total price to be paid by the WU to Parks as consideration of the transfer of the Property shall be \$1,800 (the "Transfer Price"). The Transfer Price shall be payable via transfer of funds between City agencies, subject to the adjustments and prorations identified hereafter.
4. Non-Exclusive Use: Both the WU and Parks shall have the non-exclusive use of the unimproved portions of the Property. This will provide an additional buffer between the soccer field located directly adjacent on Leopold Park and the WU booster pump station.
5. Land Division: The transfer of the Property is contingent upon the ability of WU to obtain final approval of a CSM or other land division instrument which results in the reconfiguration of Leopold Park as generally depicted on Exhibit A. Reversion Clause: If at some point in the future, the WU no longer needs the booster pump station, the Property will be restored to its current state, all WU facilities removed, and the Property shall be transferred back to Parks. This reversion, the removal of WU

facilities, and the restoration of the Property shall be performed by WU or its contractors at no cost to Parks.

6. Transfer:

- a) The transfer of the Property shall occur within fifteen (15) days after all approvals associated with the land division, outlined above, have occurred.
- b) Parks agrees to transfer the Property to the WU free and clear from all liens and encumbrances, excepting any exceptions to title not objected to (or waived) by the WU and the following: municipal and zoning ordinances and agreements entered under them, recorded easements for the distribution of utility and municipal services, recorded building and use restrictions and covenants, and general taxes levied in the year of closing.
- c) The WU shall pay all recording/filing fees.

BE IT STILL FURTHER RESOLVED that the Mayor and City Clerk are authorized to execute, deliver accept and record any and all documents and take such actions as shall be necessary or desirable to accomplish the purpose of this resolution in a form approved by the City Attorney.