



Legislation Text

File #: 23255, **Version:** 1

Fiscal Note

The 2011 Operating Budget for the Stormwater Utility will be amended to include the easement fee of \$201,200.00 in revenue account ESTM-78231-56100, Easements.

Title

Authorizing the grant of a permanent limited easement to American Transmission Company for an electric transmission line in a portion of the City's Stormwater Utility Parcel 532-533, located along IH 39/90 and Kipp Street.

Body

American Transmission Company ("ATC") is constructing a 345 kilovolt overhead electric transmission line from Rockdale Substation in the Town of Christiana to the new Cardinal Substation in the Town of Middleton (the "Project").

The route of the Project passes through a portion of the City of Madison's Stormwater Utility Parcel 532-533 located along IH 39/90 and Kipp Street, on the City's Southeast side. ATC is requesting a grant of a permanent limited easement (the "Easement") from the City in order to construct the Project through the City's Stormwater Parcels located along IH 39/90.

The width required for the permanent limited easement is varies from about 55 feet to 110 feet, and runs along the IH 39/90 frontage for about 5,200 feet. A map depicting the location of the permanent limited easement is attached and marked as Exhibit A. Compensation to be paid to the City for the granting of the Easement is \$201,200.00. The compensation is based on an appraisal which determined both the fair market value of the City's parcel, and the loss and damages due to the permanent limited easement. Conditions specific to this Easement are listed below.

The City's Engineering Division and Office of Real Estate Services staffs have reviewed the terms and conditions of the Easement, and the location and design of the Project and recommend that the Easement be granted.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Madison hereby authorizes the grant to the American Transmission Company LLC ("ATC") of variable width permanent limited easement ("PLE") for the installation and maintenance of a 345 kilovolt overhead transmission line and related facilities (collectively the "Facilities"), across lands located within the City's Stormwater Parcel 532-533, adjacent to IH39/90 and Kipp Street, as more particularly described below on the attached Exhibit A and the Aerial Exhibit.

BE IT FURTHER RESOLVED that the compensation payable to the City of Madison by ATC in exchange for the grant of the permanent limited easement (the "Easement") shall be Two Hundred One Thousand and Two Hundred and 00/100 Dollars (\$201,200.00).

BE IT STILL FURTHER RESOLVED that the Easement shall be granted subject to the following conditions:

- a. ATC identifies that the principal parts of the Facilities that it intends to install in the PLE Area are 8 monopole structures with a maximum height of 145 feet. The wires will have a minimum clearance above existing ground cover of about 25 feet.
- b. ATC shall remove and dispose of all undesirable trees and vegetation within the areas delineated in the

plans, and shall restore these areas upon completion of construction. Restoration shall include regrading, where directed by the City, and placement of topsoil, seed and mulch.

- c. No herbicidal chemicals shall be used for weed and brush control without express written consent of the City Engineer.
- d. ATC shall be liable to and hereby agrees to indemnify, defend and hold harmless the City, and its officers, officials, agents, and employees against all loss or expense (including liability costs and attorney's fees) by reason of any claim or suit, or of liability imposed by law upon the City or its officers, officials, agents, and employees for damages because of bodily injury, including death at any time resulting therefrom, sustained by any person or persons or on account of damages to property, including loss of use thereof, arising from, in connection with, caused by or resulting from the ATC's acts or omissions in the performance of this easement, whether caused by or contributed to by the negligence of the City, its officers, officials, agents, or employees.
- e. ATC shall obtain all necessary permits from City Engineering and the Wisconsin Department of Natural Resources and shall install and maintain all erosion control measures required under such permits.
- f. At such time that ATC, or its successors, discontinue the use of the Facilities, ATC, or its successor, shall remove the Facilities at its expense if the City requests removal.

BE IT STILL FURTHER RESOLVED that the Mayor and the City Clerk are authorized to sign the easement documents and any other necessary documents related to this Project.