



Legislation Text

File #: 27883, **Version:** 1

Fiscal Note

No expenditure is required.

Title

Determining a Public Purpose and Necessity and adopting Transportation Project Plat No. 5992-08-07 - 4.11 Amendment No: 2 Mineral Point Road / CTH S & South Junction Road / CTH M- South Junction Road, City of Madison, Dane County, Wisconsin for the acquisition of Plat of Land Interests required.

Body

WHEREAS, Transportation Project Plat No: 5992-08-07-4.11 was adopted by the City of Madison Common Council on February 7, 2012 per RES-12-00097 and recorded with the Dane County Register of Deeds on May 31, 2012 at 4:05 PM in Volume 60-004A of Transportation Project Plats, Page 25, as Document Number 4876808; and,

WHEREAS, a document entitled Transportation Project Plat No: 5992-08-07-4.11 Amendment No: 1 was recorded with the Dane County Register of Deeds on August 7, 2012 at 12:14 PM in Volume 60-006B of Transportation Project Plats, Page 33, as Document Number 4899167; and,

WHEREAS, Transportation Project Plat No: 5992-08-07-4.11 Amendment No: 1, identified in the prior paragraph was inadvertently recorded in error prior to being approved and authorized by the Common Council of the City of Madison and signatures contained within the same predated the approval as did the recording; and,

WHEREAS, Transportation Project Plat No: 5992-08-07-4.11 Amendment No: 1 has now hereby officially been approved by the City of Madison Common Council for recording with the Dane County Register of Deeds by the City of Madison Common Council adoption of RES-12-00725 which occurred on September 18, 2012; and,

WHEREAS, the Engineering Division prepared an Affidavit of Correction and recorded this document with the Dane County Register of Deeds on September 27, 2012 at 3:39pm as Document No. 4916942, which document clearly indicated the error that was made in prematurely recording Transportation Project Plat No: 5992-08-07-4.11 Amendment No: 1 as Document No. 4899167 prior to securing City of Madison approvals to do so. The recording of the Affidavit of Correction, which is attached hereto and made part of this resolution, intended to rescind and state that the recording of Transportation Project Plat No: 5992-08-07-4.11 Amendment No: 1 as Document No. 4899167 was invalid and that the document itself was void and has no legal effect; and,

WHEREAS, after the Engineering Division recorded the Affidavit of Correction, they then presented that same Transportation Project Plat No: 5992-08-07-4.11 Amendment No: 1, as approved by the Common Council on September 18, 2012, to the Dane County Register of Deeds for recording; and,

WHEREAS, the Dane County Register of Deeds, under advisement from their Corporation Counsel, refused to record Transportation Project Plat No: 5992-08-07-4.11 Amendment No: 1, stating the reason for refusal to record due to the fact that a Transportation Project Plat with that exact name had already been presented for recording and already exists in the Dane County Register of Deeds public record; and,

WHEREAS, the Dane County Register of Deeds, under advisement from their Corporation Counsel, suggests the City of Madison re-title this document Transportation Project Plat No: 5992-08-07-4.11 Amendment No: 2,

and present this newly renamed document for recording; and,

WHEREAS, attached hereto and made part of this resolution is Transportation Project Plat No: 5992-08-07-4.11 Amendment No: 2, which, other than the title, is the same document previously approved by the Common Council on Sept. 18, 2012 by City of Madison RES-12-00725.

NOW THEREFORE BE IT RESOLVED, that, incorporating the terms of prior adopted RES-12-00097 and RES-12-00725, the City of Madison, Dane County, Wisconsin, by its Common Council approving this Transportation Project Plat No: 5992-08-07-4.11 Amendment No: 2, hereby resolves as follows:

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 necessity in accordance with Section 32.07(2), Wisconsin Statutes, and the acquisition shall allow for the construction of public improvements of Mineral Point Road / CTH S & South Junction Road / CTH M- South Junction Road (Watts Road - Isaac Drive) City of Madison, Dane County, Wisconsin.

BE IT FURTHER RESOLVED that the City of Madison Office of Real Estate Services of the Community and Economic Development Division 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.

BE IT STILL FURTHER RESOLVED that the City of Madison Office of Real Estate Services of the Community and Economic Development Division 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.

BE IT FINALLY RESOLVED that the Mayor and City Clerk are authorized to sign all necessary documents necessary to accomplish the acquisition.