



Legislation Text

File #: 28182, **Version:** 1

Fiscal Note

\$1,150.00 will be deposited into Account No. GN01-78231 (General Fund Revenues: Easements) as compensation for temporary limited easement.

Title

Authorizing the execution of a Temporary Limited Easement for grading and sloping purposes and various Release of Rights conveyances by the City of Madison in favor of the State of Wisconsin Department of Transportation, in connection with the USH 12-14 and Verona Road interchange reconstruction project - Transportation Project Plat No. 1206-07-26.

Body

WHEREAS, the State of Wisconsin Department of Transportation ("WisDOT") will be reconstructing the USH 12/14 (West Beltline Highway) and Verona Road interchange in 2013-2016 pursuant to Transportation Project Plat No. 1206-07-26 (the "TPP"); and

WHEREAS, the City of Madison ("City") is the owner of certain property located at 4335 Doncaster Drive, commonly known as Doncaster Park, which parcel is listed in the TPP's Schedule of Lands and Interests Required; and

WHEREAS, the City also has numerous public utility, sewer and water main easements along the West Beltline Highway, Verona Road and South Midvale Boulevard corridors, which easements are also identified in the TPP's Schedule of Lands and Interests Required; and

WHEREAS, WisDOT has made a written offer to acquire from the City a Temporary Limited Easement for grading and sloping purposes ("TLE") within Doncaster Park; and

WHEREAS, WisDOT has also requested from the City several Release of Rights conveyances for the various public utility, sewer and water main easements identified in the TPP, at no cost to either party; and

WHEREAS, the City and WisDOT have negotiated the terms and conditions for the conveyance of a TLE within Doncaster Park, including compensation in the amount of \$1,150.00 for said TLE; and

WHEREAS, the City and WisDOT have also agreed to the terms for the Release of Rights conveyances for the various public utility, sewer and water main easements, at no cost to either party; and

WHEREAS, the City Parks Division, Engineering Division and Office of Real Estate Services have reviewed the TLE and Release of Rights conveyances, and approve of their terms and conditions.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Madison authorizes the execution of a Temporary Limited Easement ("TLE") for grading and sloping purposes from the City of Madison ("City") to the State of Wisconsin Department of Transportation ("WisDOT") for lands identified in Transportation Project Plat No. 1206-07-26 (the "TPP"), subject to the following terms and conditions:

1. The City shall grant a TLE to WisDOT for a portion of Doncaster Park, located at 4335 Doncaster Drive, as identified in the TPP and as more particularly described on attached Exhibit A and depicted on attached Exhibit B.

2. WisDOT shall pay to the City the sum of \$1,150.00 as consideration for the TLE.
3. WisDOT's use of the TLE area shall be for construction, sloping and grading purposes including, but not limited to, the right of ingress and egress, the right to operate necessary equipment thereon, and the right to preserve, protect, remove or plant thereon any vegetation that WisDOT may deem desirable to prevent erosion of the soil.
4. Construction shall be performed and completed in a good and businesslike manner and shall not interfere with or endanger the use of the abutting land owned by the City.
5. WisDOT will promptly restore the TLE area after completion of the construction and/or grading of the TLE Area (or as soon thereafter as weather reasonably permits) and in a manner satisfactory to the City.
6. The City reserves the right to use and occupy the TLE area in a manner consistent with the rights conveyed herein, provided that such use and occupancy shall not interfere with or disturb the construction and/or grading of the TLE area.
7. The TLE shall terminate upon the completion of the construction described in the TPP.

BE IT FURTHER RESOLVED that the Common Council of the City of Madison authorizes the execution of Release of Rights conveyances in favor of WisDOT, at no cost to either party, for various public utility, sewer and water main easements identified in the TPP and more particularly described on Exhibit A and depicted on Exhibit B.

BE IT STILL FURTHER RESOLVED, that the Mayor and Clerk are authorized to sign any and all documents and legal instruments required to complete the transactions contemplated in the resolution.