



## Legislation Text

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**File #:** 29467, **Version:** 1

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### **Fiscal Note**

The easement fee totaling \$144,380.00 shall be deposited in ESTM-78231-561000.

### **Title**

Authorizing the grant of a permanent limited easement to American Transmission Company for an overhead electric transmission line within a portion of the City's Stormwater Utility Parcel 533, located at 409 Commerce Drive.

### **Body**

American Transmission Company ("ATC") is has an existing 69 kilovolt overhead electric transmission line located within the right-of-way of Mineral Point Road, near the intersection of Junction Road. The current route of the ATC transmission line passes adjacent to a City of Madison Stormwater Utility Parcel 533, located at 409 Commerce Drive.

The ATC transmission line will have to be relocated due to the reconstruction of Mineral Point and Junction Road in 2013-14 by the City of Madison pursuant to Engineering Project No. 53W0391. The relocation of the ATC transmission line will require them to acquire a permanent limited easement (the "Easement") from the City in order to construct the new overhead electric transmission line. The Easement is approximately 30 feet wide and 250 feet long, running parallel with the Mineral Point Road frontage. A general location map depicting the Easement is attached and marked as Exhibit A.

Compensation to be paid to the City for the granting of the Easement is \$144,380.00. The compensation is based on recent appraisals for the Mineral Point / Junction Road reconstruction project, the fair market value of the City's parcel, and the loss and damages due to the Easement. Conditions specific to the 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 ATC overhead transmission line 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 a permanent limited easement (the "Easement") for the installation and maintenance of a 69 kilovolt overhead transmission line and related facilities (collectively the "Facilities"), across lands located within the City's Stormwater Parcel 533, located at 409 Commerce Drive, as more particularly described below on Exhibit B.

BE IT FURTHER RESOLVED that the compensation payable to the City of Madison by ATC in exchange for the grant of the Easement shall be One Hundred Forty Four Thousand Three Hundred Eighty and 00/100 Dollars (\$144,380.00).

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

- a. ATC agrees that the principal parts of the Facilities that it intends to install in the Easement will include one (1) monopole structure. The overhead 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; if applicable.
- f. ATC's facilities shall not interfere with City's existing storm water, sanitary sewer or water main facilities, and maintenance thereof, which are located within the City Stormwater Parcel 533 at 409 Commerce Drive.
- g. 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, and the Easements shall be terminated.

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