



Legislation Text

File #: 32141, **Version:** 1

Fiscal Note

No expenditure is required.

Title

Authorizing the execution of an Amendment to Non-Exclusive Permanent Limited Easement for private sidewalk and fiber optic cable purposes to Dean Health Plan, Inc. and Newcomb Properties, LLC across City Storm Water Utility Parcel 533 located at 8308 Excelsior Drive.

Body

WHEREAS, the City of Madison ("City") and Dean Health Plan, Inc. and Newcomb Properties, LLC ("Grantees") are parties to a certain Non-Exclusive Permanent Limited Easement for private sidewalk and fiber optic cable purposes recorded on May 8, 2013 in the Dane County Register of Deeds Office as Document Number 4985596 (the "Easement"), granting the Grantees the right to install a private sidewalk and fiber optic cable (the "Facilities") on the City Storm Water Utility Parcel 533, located at 8308 Excelsior Drive; and

WHEREAS, the Grantees have requested permission to install and maintain private light fixtures located adjacent to the Grantee's sidewalk as presently located on the City Storm Water Parcel #533; and

WHEREAS, the Grantees have requested an amendment to the Easement allow the installation and maintenance of the private light fixtures as shown on the attached Exhibit A; and

WHEREAS, City of Madison Engineering Division and Office of Real Estate Services staff has reviewed and approve of the granting of such an easement amendment.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the City Clerk are hereby authorized to execute an amendment to a Non-Exclusive Permanent Limited Easement for private sidewalk and fiber optic cable purposes granted to Dean Health Plan, Inc. and Newcomb Properties, LLC, across City Stormwater Utility Parcel #533 located at 8308 Excelsior Drive, subject to the following terms and conditions:

1. The Easement shall hereby be amended to provide for the installation and maintenance of private light fixtures, and related bollards and underground electric service to be located in the existing Easement Area, as depicted on Exhibit A and described in Exhibit B.
2. The Grantees shall maintain the private light fixtures, and related bollards and underground electric service in a satisfactory manner.
3. All other provisions of the original Easement shall apply to the Amendment to Nonexclusive Permanent Limited Easement for Private Sidewalk and Fiber Optic Cable Purposes and shall remain in full force and affect.