



## Legislation Text

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**File #:** 32650, **Version:** 1

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### Fiscal Note

Real Estate acquisition costs and staff time not to exceed the estimated \$21,000 for this project are available in Acct. No(s):

CS53-58110-810354-00-53W1683 Land-ROW Fee Acquisition

CS53-58130-810354-00-53W1683 Land/Easement-Easement Acquisition

### Title

Determining a Public Purpose and necessity and adopting a Relocation Order for the City of Madison to obtain a Temporary Limited Easement for Grading and Sloping over a portion of and also purchase a portion of the Garfoot Living Trust property within the Town of Middleton (Parcel No. 038-0708-214-9000-4), being adjacent to the recorded subdivisions of Blackhawk Church Town Center Plat and Woodstone Replat No. 3, which are required for the planned public street improvements for Bear Claw Way from Brader Way to Cobalt Street, and authorizing the Mayor and City Clerk to sign all documents necessary to accomplish the acquisition of said properties.

(9th AD)

### Body

#### PREAMBLE

**WHEREAS**, the City of Madison Common Council approved Blackhawk Church Town Center Plat per Enactment No. RES-05-00848 adopted on October 18, 2005; and

**WHEREAS**, the Blackhawk Church Town Center Plat was recorded on March 13, 2006 in Volume 58-004B of Plats on Pages 16-17 as Document No. 4170139, Dane County Registry; and

**WHEREAS**, the City of Madison Common Council approved Woodstone Replat No. 3 per Enactment No. RES-13-00287 adopted on April 16, 2013; and

**WHEREAS**, the Woodstone Replat No. 3 was recorded on July 10, 2013 in Volume 60-015A of Plats on Pages 81-82 as Document No. 5004751, Dane County Registry; and

**WHEREAS**, Blackhawk Church Town Center Plat dedicated a portion of public street right-of-way for Bear Claw Way along the easterly boundary of that subdivision; and

**WHEREAS**, Blackhawk Church Town Center Plat noted a "Future Public Street Dedication by Others" lying easterly of and adjacent to Bear Claw Way as dedicated by the plat; and

**WHEREAS**, the Garfoot Living Trust trustees have not developed or dedicated the portion of Bear Claw Way necessary to construct public street and utility improvements to City of Madison Standards; and

**WHEREAS**, a portion of the Garfoot Living Trust property is required for the construction of public street improvements for Bear Claw Way, which will provide the necessary public street/transportation connection

from the platted intersection with Brader Way within the plat of Blackhawk Church Town Center Plat, northerly to the platted intersection with Cobalt Street in the adjacent plat of Woodstone Replat No. 3; and

**WHEREAS**, the City of Madison Engineering Division has established Engineering Project No. 53W1683 - Bear Claw Way for the design and construction of public infrastructure associated with Bear Claw Way; and

**WHEREAS**, the City of Madison Office of Real Estate Services has established a Master File / Project No. 10346 to facilitate and administer the property and easement acquisitions required for the proposed improvements for Bear Claw Way within the Garfoot Living Trust property; and

**WHEREAS**, to accomplish the necessary public improvements associated with Bear Claw Way as proposed by the Engineering Division, the acquisition of public land interests (Fee Title and Temporary Construction Easement for Grading and Sloping) are required as shown on the Relocation Order Map and Schedule of Land Interests Required dated December 27, 2013 which are attached hereto and made part of this resolution.; and

**WHEREAS**, all required funding for the land interest acquisitions by the City of Madison will be available in Account Numbers CS53-58110-810354-00-53W1683 Land-ROW Fee Acquisition and CS53-58130-810354-00-53W1683 Land/Easement-Easement Acquisition;

**NOW THEREFORE BE IT RESOLVED,**

1. 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 planned public improvements of Bear Claw Way, Engineering Project No. 53W1683.
2. That the Office of Real Estate Services Division of the Community and Economic Development Unit 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.
3. That the City Of Madison Office of Real Estate Services Division of the Community and Economic Development Unit staff shall administer the acquisition of all Fee Title and Temporary Limited Easement land interests by Real Estate Master Project No. 10346.
4. That the City of Madison hereby determines that it is necessary and a public purpose exists to acquire land interests as identified in the Schedule of Land Interests on the attached Relocation Order map (1 sheet).
5. That the City of Madison Real Estate Section of the Community and Economic Development Unit 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.
6. That the Common Council of the City of Madison, does hereby adopt this relocation order to acquire the necessary land interests required for Bear Claw Way associated with Engineering Division Project Number 53W1683, consisting of the attached Relocation Order Map in accordance with Section 32.05 (1) and 62.22, Wisconsin Statutes.

7. That the Mayor and City Clerk are authorized to sign all necessary documents necessary to accomplish the acquisition.