



Legislation Text

File #: 36351, **Version:** 1

Fiscal Note

No fiscal impact.

Title

Authorizing the acceptance of a Permanent Limited Easement for grading and sloping purposes from Fountain of Life Ministries, Inc. on property located at 711 W. Badger Road.

Body

WHEREAS, Fountain of Life Ministries, Inc. (the "Grantor") is the owner of the property located at 711 W. Badger Road; and

WHEREAS, the Grantor has been conditionally approved by the City of Madison (the "City"), for a demolition of a vacant car wash building at 711 W. Badger Road (the "Property") and a conditional use for an outdoor recreation facility; and

WHEREAS, the proposed site plan for the conditional use shows the north edge and entrance to a parking area near the south right-of-way for W. Badger Road, which may conflict with future public street improvements.

WHEREAS, the site is to be regraded to facilitate construction, with the slope and elevation change for the proposed parking area and entrance near the south right-of-way of W. Badger Road to be approved by the City; and

WHEREAS, as a condition of approval, the City is requiring that the Grantor dedicate a Permanent Limited Easement (the "PLE"), at no cost to the City, to be used in the event further grading and sloping is needed during the construction of future street improvements and the re-construction of existing street improvements adjacent to the Property along the south right-of-way of W. Badger Road; and

WHEREAS, the PLE is legally described on attached Exhibit A and depicted on attached Exhibit B as the "PLE Area".

NOW, THEREFORE, BE IT RESOLVED that the City of Madison is hereby authorized to accept a Permanent Limited Easement for Grading and Sloping Purposes on the property located at 711 W. Badger Road, from Fountain of Life Ministries, Inc., subject to the following terms and conditions:

1. The purpose of this PLE is to allow the City to perform grading and sloping on lands adjacent to 711 W. Badger Road, legally described on attached Exhibit A, and depicted on attached Exhibit B as the "PLE Area", in association with a future City of Madison Engineering Project for the construction of future street improvements and the re-construction of existing improvements.
2. The City's use of the PLE shall be for construction, grading and sloping 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 the City may deem desirable to prevent erosion of the soil.
3. Construction shall be performed and completed in good and workmanlike manner and shall not interfere with or endanger the use of the abutting land owned by the Grantor.
4. The City will promptly restore the PLE Area after completion of the construction and/or grading of the PLE Area, or as soon thereafter as weather reasonable permits. The restoration shall consist of grading, topsoil placement, seeding, mulching or placement of erosion matting.
5. The Grantor reserves the right to use and occupy the PLE 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 PLE Area.

6. This PLE shall terminate upon the completion of the future construction activities described above, unless mutually extended by the parties.