



Legislation Text

File #: 44132, Version: 1

Fiscal Note

This resolution amends the Sewer Utility's adopted 2016 capital budget in the amount of \$20,000 for easement acquisition for a required portion of public sanitary sewer required for Phase 3 of the Willows II project (MUNIS 11439). Real Estate acquisition costs are estimated at \$20,000 for this project and the proposed amendment will provide for that acquisition. The funding source for these funds will be developer capital funding.

The City of Madison is to be reimbursed by the developer for all costs associated with this acquisition as set forth in Contract No. 7766.

MUNIS:

The Budget Amendment needed is as follows:

\$20,000 11439-83-160
(\$20,000) 11439-83-805

Title

Amending the 2016 Capital Budget of Sewer Utility in the amount of \$20,000 and Determining a Public Purpose and Necessity and adopting a Relocation Order for the acquisition of land interests required for the construction and maintenance of improvements for a public sanitary sewer serving the plat of Willows II and other future lands for development. Being part of Lot 2, CSM No. 6407 located in part of the NW ¼ of the NW ¼ of Section 21, T7N, R8E, in the Town of Middleton. (9th AD)

Body

PREAMBLE

WHEREAS, the City of Madison Common Council adopted Ordinance Number ORD-16-00003, File No. 40666, on January 5, 2016, approving the rezoning of a property located at 503 Schewe Road from Temp A (Temporary Agricultural) District to SR-C1 (Suburban Residential - Urban 1) District to allow the development of lands included in the proposed The Willows II subdivision plat; and,

WHEREAS, the City of Madison Common Council adopted Resolution Number RES-16-00038, File No. 40392, on January 5, 2016, conditionally approving the preliminary plat of The Willows II; and,

WHEREAS, the City of Madison Common Council adopted Resolution Number RES-16-00226, File No. 41543 on March 15, 2016, conditionally approving the final plat of The Willows II and said plat was subsequently recorded upon the satisfaction of the conditions of approval on the 22nd of July, 2016 in Volume 60-059A of Plats on pages 307 - 308, as Document No. 5252756; and,

WHEREAS, a requirement of the approval of the final plat of The Willows II is for the Developer to construct the sanitary sewer improvements necessary to serve the lots within the plat; and

WHEREAS, due to topographic constraints, a portion of the public sanitary sewer required to serve Phase 3 of The Willows II and additional other future developable lands is required to cross a portion of other lands lying north of this subdivision that are not owned by The Willows II Developer; and

WHEREAS, the City of Madison Common Council adopted Resolution Number RES-16-00580, File No. 43761

on August 2, 2016 approving plans and specifications necessary to serve Phase 3 of The Willows II subdivision and also authorizing the Mayor and City Clerk to execute a Contract For The Construction of Public Improvements To Be Accepted By The City Of Madison For The Willows II - Phase 3 with the Developer. Under Section II - Supplemental Conditions of said Contract, the Developer is to acquire the necessary sanitary sewer easements, as required by the City, at the Developer's expense. In the event that the Developer is unable to acquire the sanitary sewer easements, the City shall proceed to acquire the easements. The Developer shall reimburse the City for all costs associated with the acquisition; and

WHEREAS, the City of Madison Office of Real Estate Services has established a Master File / Project No. 11009 to facilitate and administer acquisition of required land interests to construct and maintain the necessary public improvements and access associated with the Public Sanitary Sewer; and

WHEREAS, attached hereto and made part of this resolution is a City of Madison Relocation Order Map titled "PLAT OF LAND INTERESTS REQUIRED FOR THE CONSTRUCTION AND MAINTENANCE OF IMPROVEMENTS FOR A PUBLIC SANITARY SEWER", LOCATED IN LOT 2, CSM NO. 6407 BEING PART OF THE NW ¼ OF THE NW ¼ OF SEC 21, T 7 N, R 8 E, TOWN OF MIDDLETON, DANE COUNTY, WI; and,

WHEREAS, this Relocation Order Map identifies the necessary public land interest areas of acquisition as shown on the City of Madison Relocation Order Map and Schedule of Land Interests Required for the construction and maintenance of the necessary public improvements and access associated with the Public Sanitary Sewer; and,

WHEREAS, all required funding for the land interest acquisitions by the City of Madison will be available in Account Number 11439-83-160 Willows 2 Phase 3 (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 sanitary sewer improvements and access associated with The Willows II, Phase 3, Engineering Project No. 11439.
2. That the City of Madison hereby determines that it is necessary and a public purpose exists to acquire necessary land interests from the properties/parties as identified in the Schedule of Land Interests on the attached Relocation Order Map and such acquisitions are required to allow for the construction of said public sanitary sewer and access improvements.
3. That the Common Council of the City of Madison, does hereby adopt this relocation order to acquire the necessary land interests required for the installation of the public sanitary sewer and access improvements associated with Engineering Division Project Number 11439 - Willows 2 Phase 3 consisting of the attached Relocation Order Map in accordance with Section 32.05(1) and 62.22, Wisconsin Statutes.
4. That the Office of Real Estate Services of the Economic Development Division 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. Also, the Office Real Estate Services 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.

5. That the City Of Madison Office of Real Estate Services Division of the Economic Development Division staff shall administer the acquisition of all land interests by Real Estate Master Project No. 11009.
6. That the City of Madison Office of Real Estate Services of the Economic Development Division 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.
7. That the Mayor and City Clerk are authorized to sign all necessary documents to accomplish the acquisition.
8. That in conformance with the Contract for the Construction of Public Improvements To Be Accepted by the City of Madison The Willows II - Phase 3, the Developer shall reimburse the City of Madison for all costs associated with the acquisition(s) as identified on the Schedule of Land Interests on the attached Relocation Order Map.

BE IT FURTHER RESOLVED, that the adopted 2016 Capital Budget of Sewer Utility is hereby amended to provide for the acquisition of the necessary easements with funding from the developer in the amount of \$20,000.