



## Legislation Text

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### Fiscal Note

The proposed resolution amends the Stormwater Utility's 2017 Adopted Capital Budget by appropriating \$1,000,000 of Stormwater Utility general obligation borrowing and \$320,000 of Stormwater Utility reserves for the Starkweather Coagulant Treatment project (10368) for the cost of land acquisition for the project. In the adopted 2017 Capital Improvement Plan (CIP) the Stormwater Utility had planned on the land acquisition occurring in 2018 within the TMDL Compliance capital program; Stormwater Utility's future CIP will be adjusted accordingly so that the land acquisition cost is not longer reflected 2018 due to the movement to 2017 via this proposed resolution.

This resolution also modifies existing contract #7405 with Brown and Caldwell for design services which is sufficiently funded by existing stormwater utility borrowing within in the Starkweather Coagulant Treatment project for 2017.

### Title

Determining a Public Purpose and Necessity and adopting a Relocation Order for the acquisition of land interests required for the construction and maintenance of the Starkweather Creek Coagulant Treatment System and associated facilities for urban water quality improvement, located in part of the NE ¼ and SE ¼ of the NE ¼ of Section 5 and the NW ¼ of the NW ¼ of Section 4, T7N, R10E in the Town of Blooming Grove, amending the 2017 Adopted Capital Budget for the Stormwater Utility to appropriate \$1,000,000 of general obligation borrowing and \$320,000 of Stormwater Utility reserves for land acquisition, and amending contract 7405 with Brown and Caldwell for additional design services for the Starkweather Coagulant Treatment System.

### Body

### PREAMBLE

**WHEREAS**, the Stormwater Utility Capital Budget contains funding for the design and construction of a Coagulant Stormwater Treatment System along Starkweather Creek; and

**WHEREAS**, the City of Madison Engineering Division has established Engineering Project No. 10368 - Starkweather Creek Coagulant Treatment System for the design and construction of public infrastructure associated with the proposed Coagulant Treatment System and associated facilities; and

**WHEREAS**, the City of Madison Common Council has approved for the application and acceptance of an Urban Nonpoint Source and Storm Water Management Program Construction grant from Dane County on March 21, 2017, Enactment Number RES-17-00232, File ID Number 46296; and

**WHEREAS**, the City of Madison Office of Real Estate Services has established a Master File / Project No. 10401 to facilitate and administer acquisition of required land interests to construct the necessary public improvements associated with the Starkweather Creek Coagulant Treatment System; 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 THE STARKWEATHER CREEK COAGULANT TREATMENT SYSTEM", LOCATED IN THE NE ¼ AND SE ¼ OF THE NE ¼ OF SECTION 5 AND ALSO THE NW ¼ OF THE NW ¼ OF SECTION 4,

T7N, R10E, IN THE TOWN OF BLOOMING GROVE, DANE COUNTY, WISCONSIN; 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 Starkweather Creek Coagulant Treatment System public improvements; and,

**WHEREAS**, all required funding for the land interest acquisitions by the City of Madison will be available in Account Number 10368-84-110 Starkweather Alum Treatment System.

**WHEREAS**, \$900,000 has been included in the 2018 Capital Budget request for land acquisition and the funding must be moved up for the land acquisition process to start in 2017 in order for the project to remain on schedule,

**WHEREAS**, the land acquisition cost has been estimated by the Real Estate office to be higher than originally anticipated so an additional \$420,000 of funding is needed,

**WHEREAS**, the City of Madison has entered a Contract for Professional Services (No. 7405) with Brown and Caldwell for floodplain remapping and feasibility-level design for the proposed Coagulant Treatment System adjacent to Starkweather Creek,

**WHEREAS**, Brown and Caldwell has completed the work included in the original contract for the City of Madison,

**WHEREAS**, Brown and Caldwell is qualified to do the work required under the amendment to contract no. 7405, and

**NOW THEREFORE BE IT RESOLVED,**

1. That the 2017 Adopted Capital Budget for the Stormwater Utility is hereby amended to appropriate \$1,000,000 of general obligation borrowing and \$320,000 of Stormwater Utility reserves funding to the Starkweather Coagulant Treatment project.
2. 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 Starkweather Creek Coagulant Treatment System, Engineering Project No. 10368.
3. 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 Starkweather Creek Coagulant Treatment System improvements.
4. That the Common Council of the City of Madison, does hereby adopt this relocation order to acquire the necessary land interests required for the construction and maintenance of the public Coagulant Treatment System improvements associated with Engineering Division Project Number 10368 - Starkweather Alum Treatment System, consisting of the attached Relocation Order Map in accordance with Section 32.05(1) and 62.22, Wisconsin Statutes.
5. 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

and any Uneconomic Remnant that may be subsequently determined to exist. 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.

6. 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. 10401.
7. 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.
8. That the Mayor and City Clerk are authorized to sign all necessary documents to accomplish the acquisition.
9. That the Mayor and City Clerk area authorized to execute Addendum #3 to the existing Starkweather Creek Stormwater treatment Project agreement with Brown and Caldwell to provide additional consulting services, as further detailed in the scope of services.