



Legislation Text

File #: 56870, **Version:** 1

Fiscal Note

The proposed resolution authorizes reimbursement for private landscaping costs that are associated with a public flood mitigation project. The estimated cost of the reimbursement is \$10,525 which is budgeted within the Stormwater Utility's adopted 2019 capital budget via the Citywide Flood Mitigation capital program.

MUNIS:

11857-84-200

Title

Closing Private Drainage Issues at Lot 170, Hawk's Landing Golf Club (1809 Hidden Hill Dr) and Rescinding RES-18-00515, File 52069 (1st AD)

Body

WHEREAS, the plat of Hawk's Landing Golf Club (the "Plat") was conditionally approved by the City of Madison Common Council on the 16th of May, 2000, by Enactment Resolution Number 57301, File ID No. 27453 and those conditions of approval were fulfilled on the 1st of June, 2000; and

WHEREAS, the Plat was subsequently recorded upon the satisfaction of the conditions of approval on the 7th of June, 2000 in Volume 57-1505B of Plats on pages 605-614, as Document Number 3219695, Dane County Register of Deeds; and

WHEREAS, the southern 15 feet of Lot 170 (the "Property") of the Plat is subject to a platted Public Storm Sewer and Utility Easement (the "Drainage Easement"). The Drainage Easement is occupied by an underground storm sewer and also serves as an overland overflow drainage channel for the public storm water discharged from a storm water retention pond ("Retention Pond C") located east of the Property within adjacent Lot 234 ("Golf Course") of the Plat; and

WHEREAS, Retention Pond C is subject to a Public Storm Water Drainage Way and Retention Pond Maintenance Agreement: Hawk's Landing Golf Club ("Maintenance Agreement") recorded on July 27th, 2000 as Document No. 3235353 and said Maintenance Agreement is subject to a Decision and Order in Hawks Landing Golf Corp. V. City of Madison (Case No. 08CV2767) recorded on June 30th, 2010 as Document No. 4668740. Said Maintenance Agreement and Order define the terms and conditions between the City of Madison and the owner of the Golf Course for the construction and maintenance of the Public Drainage Ways and Public Retention Ponds located within the Golf Course; and

WHEREAS, over the last several years, the owner of said Lot 170 ("Owner") has reported the Property has incurred numerous flooding instances that involved storm water intrusion into the lowest level of the Owner's home immediately adjacent to the Drainage Easement; and

WHEREAS, the City of Madison Engineering Division has established Engineering Project No. 11497 - Hawks Landing West Flood Study to determine the extent of flooding within the overall Hawks Landing development and provide a flood mitigation plan; and

WHEREAS, the City of Madison Engineering Division established Engineering Project No. 11857 - 1809 Hidden Hill Flood Mitigation to provide a flood mitigation plan specifically for the Owner's Property; and

WHEREAS, the City of Madison Engineering Division started a Relocation Order under RES-18-00515 to acquire property rights from the Owner for the flood mitigation plan that is specific to the Owner's Property; and

WHEREAS, the City has elected to move forward with a Public Works Improvement Project (Public Works Project) to expand the scope of the design to manage public stormwater at Lot 170 and in the intersection of Hidden Hill Dr and Shady Point Dr (City Project No. 11857) thus making the flood mitigation plan that was specific to the Owner's property unnecessary; and

WHEREAS, the Owner had contracted with a private firm (Degnan Design Build Remodel) for \$9,525 to design a private solution to flooding from public stormwater over Lot 170, which is no longer needed due to the City's change in project scope; and

WHEREAS, the RES-18-00515 (a Relocation Order) is no longer necessary to as no property rights will be necessary in order to complete the flood mitigation plan as currently proposed; and

WHEREAS, the current flood mitigation plan as currently proposed removes private landscaping which was planted in the Drainage Easement, which will not be replaced under the current flood mitigation plan; and

WHEREAS, the City of Madison Engineering Division will reimburse the Property Owner \$1,000.00 for costs related to the replacement of the private landscaping.

NOW, THEREFORE, BE IT RESOLVED:

1. That the Mayor and City Clerk are hereby authorized to reimburse the Owner (Sandra M. Burrus) up to \$10,525.00 for design services for a private solution to a public stormwater problem as described above and for reimbursement to replace private landscaping that will be removed with the proposed flood mitigation plan, per City Project No. 11857.
2. That Resolution RES-18-00515, File Number 52069 is hereby rescinded.