



## Legislation Text

File #: 58497, Version: 1

### Fiscal Note

This resolution amends the Adopted 2020 Capital Budget for Engineering-Major Streets by \$150,000 for permanent limited and temporary limited easement acquisitions for new street and intersection improvements required for the Pope Farm Estates project (MUNIS 12598). Real estate acquisition costs are estimated at \$150,000 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. 8392.

### MUNIS:

The Budget Amendment needed is as follows:

\$150,000 12598-402-160

(\$150,000) 12598-402-805

### Title

Amending the 2020 Capital Budget of Engineering-Major Streets 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 street. Being part of NE ¼ of the SE ¼ of Section 17, T 7 N, R 8 E, in the City of Madison. (9th AD)

### Body

#### PREAMBLE

**WHEREAS**, the Middleton-Cross Plains Area School District (“Developer”) submitted on December 19<sup>th</sup>, 2018 to the City of Madison Planning Unit, a preliminary plat and final plat of Pope Farms Estates for approval by the Madison Common Council of a property addressed as 10202 Old Sauk Road, City of Madison, Dane County, Wisconsin; and,

**WHEREAS**, the City of Madison Common Council adopted Resolution Number RES-19-00156, File No. 54204, on February 26, 2019, conditionally approving the preliminary plat and final plat of Pope Farm Estates; and,

**WHEREAS**, the plat of Pope Farm Estates was subsequently recorded upon the satisfaction of the conditions of approval on the 13<sup>th</sup> of June, 2019 in Volume 61-014B of Plats on pages 84 - 85, as Document Number 5495625, Dane County Register of Deeds; and

**WHEREAS**, conditions of for the approval for the preliminary and final plat of Pope Farm Estates require the Developer to construct the street improvements necessary to serve the lots within the plat. This requirement includes any necessary public street improvements, storm sewer improvements, grading and vision triangles necessary for sight distance requirements (“vision triangles”) lying outside of the boundary of the plat; and

**WHEREAS**, the approval for the final plat of Pope Farm Estates requires the Developer, at its expense, to acquire all necessary easements lying outside of the boundary of the plat for the construction and maintenance of the required public street and storm sewer improvements and also the vision triangles. In the event that the developer is unable to acquire the required easements, the City of Madison shall proceed to acquire the easements. The developer is required to reimburse the City of Madison for all costs associated with the acquisitions made by the City; and

**WHEREAS**, the City of Madison Common Council adopted Resolution Number RES-19-00340, File No. 55332 on April 30, 2019 approving plans and specifications necessary to serve Pope Farm Estates and also authorizing the Mayor and City Clerk to execute a Contract (Private Contract No. 8392, Engineering Proj No. 12598) For The Construction of Public Improvements That Will be Accepted By The City Of Madison For Pope Farm Estates with the Middleton-Cross Plains Area School District. Under Section II - Supplemental Conditions of said Contract, The Developer shall be responsible for acquiring Temporary Limited Easements for Grading and Construction purposes along Schewe Road to facilitate construction of the public road and adjoining sidewalks and paths. In the event that the Developer is unable to acquire the required easements, the City shall assist the Developer in acquiring the easements and the Developer shall pay the City for all costs associated with the acquisition. Said contract has been executed by all Parties; and

**WHEREAS**, the Middleton-Cross Plains School district has been unable to acquire some of the necessary vision triangle, storm sewer and grading easements necessary for the required public street improvements within, and adjacent to, Schewe Road and Blackhawk Road at the northerly end of the plat of Pope Farm Estates; and

**WHEREAS**, the City of Madison Office of Real Estate Services has established a Master File / Project No. 12030 to facilitate and administer acquisition of required land interests to construct and maintain the public street and storm sewer improvements and also for the required vision triangles; 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 OF IMPROVEMENTS FOR A PUBLIC STREET AND STORM SEWER", BEING PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 07 NORTH, RANGE 08 EAST, TOWN OF MIDDLETON, 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 construction and maintenance of the necessary public street and storm sewer improvements, vision triangle and also for the grading and sloping associated with the construction of the public street improvements; and,

**WHEREAS**, all required funding for the land interest acquisitions by the City of Madison will be available in Account Number 12598-402-160 Pope Farm Estates (Easement Acquisitions).

**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 street improvements and grading and sloping associated with Pope Farm Estates, Engineering Project No. 12598, Contract No. 8392.
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 street and storm sewer 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 construction of the public street and storm sewer improvements associated with Engineering Division Project Number 12598 - Pope Farm Estates 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. 12030.
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 Pope Farm Estates, Contract No. 8392, Engineering Proj. No. 12598, 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 2020 Capital Budget of Engineering-Major Streets is hereby amended to provide for the acquisition of the necessary easements with funding from the developer.