



Legislation Text

File #: 59330, **Version:** 1

Fiscal Note

The City Engineering Department, City Office of Real Estate Services, and the City Water Utility have reviewed and approved the easement release. No City appropriation is required.

Title

Authorizing the Mayor and the City Clerk to execute a Release of Public Water Main Easement and accept the grant of a new Public Water Main Easement across a portion of the property located at 5402 Mineral Point Road. (11th AD)

Body

WHEREAS, Whitney Point Condominium Unit Owner's Association, Inc. and Whitney Point Properties, LLC, (together, the "Owner") own of the property improved with the Whitney Point Condominiums, located at 5402 Mineral Point Road ("Property"); and

WHEREAS, the Owner submitted applications to the City seeking approvals for the redevelopment of the Property, which requires a demolition permit, conditional use, and the rezoning of the Property, all of which were conditionally approved at the City's Plan Commission meeting on May 6, 2019; and

WHEREAS, a survey of the Property in conjunction with said redevelopment revealed that existing water main facilities on the Property are located outside of the public easement granted to the City for said water main facilities ("Existing Easement"), the rights of which were reserved at the time the Property was conveyed by that certain Quit Claim Deed recorded on March 19, 1974 as Document No. 1391734 and perpetuated in a subsequent Quit Claim Deed recorded on May 13, 1974 as Document No. 1397139 in the office of the Dane County Register of Deeds Office; and

WHEREAS, a condition of approval for the Owner's redevelopment project is to reconcile the location the existing public water main facilities and associated easement rights by causing the City to release that portion of the Existing Easement that is in error, and by requiring the Owner to grant a 15-foot-wide Public Water Main Easement for the benefit of the City; and

WHEREAS, the City Engineering Department, City Office of Real Estate Services, and the City Water Utility have reviewed a map and legal description of the easement release and the easement grant areas provided by the Owner, which are included as Exhibits A and B hereto, and approve of the locations contemplated.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the City Clerk are hereby authorized to execute a Release of Public Water Main Easement and accept the grant of a Public Water Main Easement over a portion of the property located at 5402 Mineral Point Road, as legally described on attached Exhibit A and depicted on attached Exhibit B.