



Legislation Text

File #: 60491, **Version:** 1

Fiscal Note

No City appropriation required.

Title

Authorizing the Mayor and the City Clerk to execute a Consent to Occupy Permanent Storm Sewer Easement for the benefit of Common Wealth Development, Inc., a Wisconsin non-stock corporation, or their successors and assigns, to permit certain private improvements within an existing easement granted to the public for storm sewer purposes on the property located at 5802 Raymond Road. (20th AD)

Body

WHEREAS, Common Wealth Development, Inc., a Wisconsin non-stock corporation ("Applicant"), submitted a site plan together with a Conditional Use application to the City of Madison ("City"), seeking approval to construct a three-story mixed-use building with commercial space and 11 apartments identified as LNDUSE-2019-00117 ("Project"); and

WHEREAS, the Project was conditionally approved at the City's Plan Commission meeting on January 13, 2020 by Legistar File ID No. 58485; and

WHEREAS, the Project affects the property located at 5802 Raymond Road in the City of Madison, Dane County, Wisconsin, legally described in attached Exhibit A ("Owner's Property"), which is currently owned by Meadowood Baseline II, LLC; and

WHEREAS, the Owner's Property is proposed to be conveyed to the Applicant for the construction of the Project; and

WHEREAS, the City is the holder of a Permanent Storm Sewer Easement that runs through a portion of the Owner's Property, with said easement having been granted by Document No. 1093115 on January 29, 1964, and recorded in the Office of the Register of Deeds in Dane County, Wisconsin ("City Easement"); and

WHEREAS, various proposed permanent improvements associated with the proposed Project will encroach upon a portion of the City Easement on the Owner's Property, as depicted on attached Exhibit B; and

WHEREAS, as a condition of the Applicant's Conditional Use and site plan approval, a Consent to Occupy Easement ("Consent") is required by the City's Engineering Division to memorialize the placement of the following private improvements in, on and across the City Easement: bioretention basin, private storm sewer and access structures (SAS), private drive, concrete pad with bike rack, bench seat wall, and concrete sidewalk and ramp (together, the "Permitted Encroachments"); and

WHEREAS, the City's Engineering Division has reviewed the Permitted Encroachments in the City Easement, and recommends the City's execution of the Consent for the benefit of the owner of record at the time of execution, subject to the terms and conditions specified therein.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the City Clerk are hereby authorized to execute a Consent to Occupy Permanent Storm Sewer Easement, for the Permitted Encroachments depicted on attached Exhibit B.