



## Legislation Text

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### Fiscal Note

The proposed resolution adopts a Relocation Order for the acquisition of land interests required for a Utility Materials Handling Site for the handling and disposal of excess cut and sediment materials. Real estate acquisition costs for this project are estimated at \$900,000. Funding is available in Munis #13599. No additional appropriation is required.

### Title

Determining a Public Purpose and Necessity and adopting a Relocation Order for the acquisition of land interests required for a Utility Materials Handling Site for the handling and disposal of excess cut and sediment materials. Located in part of the SW ¼ and NE ¼ and the SE ¼ of the NW ¼ of Section 36, T7N, R10E in the City of Madison, Dane County, Wisconsin. (District 16)

### Body

**WHEREAS**, the City of Madison operates a Materials Handling Site at 4452 Sycamore Avenue for the handling and disposal of excess and unsuitable cut and sediment materials (hereinafter “excess materials”) generated by the construction and /or maintenance of public streets, sanitary sewer and storm sewer facilities, watercourses, and water distribution facilities (“public facilities”); and

**WHEREAS**, it is estimated that the current Materials Handling Site located at Sycamore Avenue will reach its capacity in approximately six (6) years, Therefore, there is a need to procure a new Materials Handling Site prior to the end of the life of the current site; and

**WHEREAS**, the City of Madison Engineering Division has established Engineering Project No. 13599 - Utility Materials Handling Site, for the design and construction of a new Materials Handling Site to accept the excess materials. The proposed site will also receive excess snow and ice removed from public streets during winter months and will be utilized for staging of construction materials and equipment as required for the construction and maintenance of the public facilities; and

**WHEREAS**, the acquisition of lands by the City of Madison to accommodate a new Material Handling Site to receive excess materials generated by the construction and/or maintenance of the public facilities is necessary; and

**WHEREAS**, failure to acquire lands for a new Materials Handling Site within the City of Madison would result in higher disposal and handling costs for excess materials due to the lack of a dedicated local site, which alleviates the continual need to find sites and owners willing to accept excess materials. Furthermore, without a dedicated Materials Handling Site, there would be additional costs incurred for the construction and maintenance of public facilities due to longer haul times to dispose of the excess materials; and

**WHEREAS**, the City of Madison Engineering Division has identified a site at 7404 Siggelkow Road for a new Materials Handling Site, which site is ideally located for this purpose. The City of Madison Office of Real Estate Services has attempted to negotiate the acquisition in fee of the Site with its Owners, but has been unable to reach an agreement with the Owners for an Arm’s Length transaction to acquire the Site; and

**WHEREAS**, the City of Madison Office of Real Estate Services has established a Master File / Project No. 12453 to facilitate and administer acquisition of required land interests to locate and construct the necessary public improvements associated with a new Materials Handling Site located at the said 7404 Siggelkow Road; and

**WHEREAS**, in light of the inability to negotiate an Arm's Length fee acquisition of the lands at 7404 Siggelkow Road, attached hereto and made part of this resolution is a City of Madison Relocation Order Map titled "PLAT OF LAND INTERESTS REQUIRED FOR THE DISPOSAL AND STORAGE OF EXCESS MATERIALS GENERATED BY TRANSPORTATION, STORM AND SANITARY SEWER, WATERCOURSE AND WATER DISTRIBUTION FACILITIES ", LOCATED IN PART OF THE SW ¼ AND NE ¼ AND THE SE ¼ OF THE NW ¼ OF SECTION 36, T7N, R10E IN THE CITY OF MADISON, DANE COUNTY, WI; and

**WHEREAS**, this Relocation Order Map identifies the necessary public land interest areas of area of acquisition as shown on the City of Madison Relocation Order Map and Schedule of Land Interests Required for the Materials Handling Site and improvements necessary for the handling and disposal of excess materials, snow and ice and also the staging of construction materials and equipment required for the construction and maintenance of public facilities; and

**WHEREAS**, all required funding for the land interest acquisitions by the City of Madison will be available in Account Number 13599-83-110 Materials Handling Site.

**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 improvements of Materials Handling Site, Engineering Project No. 13599.
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 Materials Handling Site 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 and maintenance of the Materials Handling Site improvements associated with Engineering Division Project Number 13599 - Utility Materials Handling Site, 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 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.
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. 12453.
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.