



Legislation Text

File #: 87444, **Version:** 1

Fiscal Note

The proposed resolution authorizes the sale of 776 sq. ft. of Spring Harbor Beach Park at 1918 Norman Way to the adjoining property owner for a sale price of \$17,000. The City will pay a portion of closing related costs. The balance of the proceeds from the sale will be deposited into the Parks Division's Park Land Improvement program (Program #17421, Minor Project #15268 Spring Harbor Beach Planning) within the Parks Division's Capital Budget. No additional appropriation is required.

Title

Authorizing the City's sale of 776 Square Feet from Spring Harbor Beach Park located at 1918 Norman Way to the adjacent neighbor at 5400 Lake Mendota Drive (District 19)

Body

WHEREAS, in 1954, several years prior to the City acquiring the land to create Spring Harbor Beach Park ("Park"), addressed as 1918 Norman Way, the Town of Madison granted a private Access Easement over a corner of the Park to the adjoining property owner ("Grantee") at 5400 Lake Mendota Drive ("Adjoining Property"); and

WHEREAS, the Access Easement provides the Grantee and their successors and assigns exclusive access over a portion of the Park from their single-family residence on the Adjoining Property to the Norman Way public right-of-way via a private driveway, as illustrated on Exhibit B of the attached Purchase and Sale Agreement ("PSA"); and

WHEREAS, the location of the Access Easement has created long-standing property boundary issues with the Park, and also includes a fence along the private driveway in the Access Easement, which effectively cuts off a small portion of the Park from public use; and

WHEREAS, as the improvements in the Access Easement prevent any use of this portion of the Park by the public, and by virtue of the Grantee's signature on the attached PSA, the Grantee has agreed to purchase and the City has agreed to sell this small area of the Park to resolve the boundary issues in the Park and eliminate access via easement over the Park to the Adjoining Property; and

WHEREAS, Legistar File ID No. 87319 is being simultaneously introduced to create Subdivision 8.35(3)(e) of the Madison General Ordinances, which will allow the change in legal status of the lands in Spring Harbor Beach Park that are being sold pursuant to the attached PSA.

NOW THEREFORE BE IT RESOLVED, that the City's Common Council hereby authorizes the Mayor and Clerk to sign the PSA, substantially, though not exclusively, on the terms and conditions of the attached PSA.

NOW THEREFORE BE IT FURTHER RESOLVED that the City's Common Council hereby authorizes the Mayor and City Clerk to execute, deliver and record any related real estate documents and take any further action required to accomplish the purpose of this resolution, in a form approved by the City Attorney.