

Correspondence/Memorandum

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**DATE:** November 11, 2014

**TO:** Public Works and Transportation Committee

**FROM:** Jan Zimmermann

**SUBJECT:** Permanent Sanitary Sewer Easement to City of Madison at Airport

A copy of the Permanent Limited Easement for Sanitary Sewer Access Purposes is attached to this memo for consideration by the Public Works & Transportation Committee.

The permanent limited easement before the Committee involves an area north and east of the intersection International Lane & Anderson Street in the Truax Air Park adjacent to the Dane County Regional Airport.

Dane County recently completed a project on the south side of the airport involving alterations to two City of Madison streets. The project included the vacation and demolition of Swanson Street entirely as well as a portion of Grimm Street. The vacated portion of Grimm Street was relocated to intersect with International Lane at a controlled intersection and, as relocated, has been dedicated to the City of Madison.

Because Swanson Street was used by the City of Madison to access sanitary sewer facilities on Airport property, the City required the construction of a gravel road and an easement allowing the City to use the gravel drive to access and maintain its sewer facilities at the Airport as a condition of the approval of the demolition of Swanson Street. The gravel road has now been constructed as called for by the City, and this Permanent Limited Easement for Sanitary Sewer Access Purposes has been prepared with appropriate limitations and restrictions to protect the County's property rights and address Airport safety and operational concerns. Upon approval and recording of the easement, the County's project will receive final approval and acceptance by the City of Madison

Rodney Knight, Airport Counsel, has reviewed the easement and determined that it is in the best interests of Dane County.

As an easement under \$100, this falls under Chapter 28.33 of the County ordinance. As such, authority is given to the Public Works & Transportation Committee to approve, and only the County Clerk's signature is required.

Thank you.

**PERMANENT LIMITED EASEMENT FOR  
SANITARY SEWER ACCESS PURPOSES**

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**County of Dane**, a Wisconsin quasi-municipal corporation (the “County”) and the owner of the property rights herein conveyed, hereby grants and conveys to the **City of Madison**, a Wisconsin municipal corporation (the “City”), its successors and assigns, a permanent limited easement (the “Easement”) for the use of the parcel of land described and depicted on the attached Exhibit A (the “PLE Area”) and the access road (the “Access Road”) located in the PLE Area for the limited purpose of accessing the City-owned sanitary sewer facilities maintained adjacent to the PLE Area, as shown on Exhibit A, for the purpose of exercising the rights granted the City under the terms of the sanitary sewer easement recorded December 19, 1974 in the Office of the Dane County Register of Deeds as Document No. 1416749, Volume 547, Page 677.

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RETURN TO: City of Madison  
Economic Development Division  
P.O. Box 2983  
Madison, WI 53701-2983

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PIN: 251/0810-304-0308-4

The Easement is subject to the following conditions and covenants:

1. The right of access to the PLE Area granted the City under this Easement is not exclusive.
2. Access to the PLE Area shall be through Dane County Regional Airport (the “Airport”) Gate 3D, shown on Exhibit A, and the timing of such access shall be subject to advance approval of the Airport Director or the Airport Director’s designee, based on considerations of Airport security and operations. In the event said Gate 3D is moved or eliminated, County shall provide another reasonably convenient means of access to the PLE Area, notify the City of the change, and record an amendment to this instrument reflecting the change in permitted access to the PLE Area.
3. Neither the County nor the City shall construct or place any structure or object in the PLE Area that obstructs or interferes with vehicular access over the PLE Area. Notwithstanding the foregoing, in the event the Airport Director determines, based upon considerations of Airport security or operations, that it is necessary to construct or place a structure or object in the PLE Area such that it obstructs or interferes with vehicular access thereto, the Airport may proceed with such construction or placement upon providing a suitable alternative means by which the City can access its sanitary sewer facilities to exercise its rights under the above referenced sanitary sewer easement.
4. All costs of repair and maintenance of the Access Road shall be the responsibility of the City, provided that the cost of repair and maintenance of the Access Road necessitated by the acts or omissions of County employees or contractors shall be borne by the County. Upon completion of any repairs or maintenance of the Access Road, the PLE Area above the location of such repairs or maintenance shall be returned to the condition it was in prior to the commencement of said repairs or maintenance.
5. All costs of repair and maintenance of the surface of the PLE Area (including mowing, but not including snow removal) shall be the responsibility of the County, provided that the cost of repair

and maintenance of the surface of the PLE Area or any other County property necessitated by the acts or omissions of City employees or contractors shall be borne by the City.

6. The composition of the Access Road and the composition (including grass cover) and grade of the surface and subsurface of the PLE Area above the Access Road as it exists on the date this easement is executed shall not be altered without the prior written approval of both the City and the County.
7. With the exception of emergency situations, vehicular access to the PLE Area shall be limited to those times when the surface and subsurface thereof are dry enough to sustain the weight and movement of the accessing vehicle(s).
8. All activity in the PLE Area shall be in compliance with Federal Aviation Administration and Airport security programs and directives, and applicable federal, state, and local laws and regulations.
9. The County retains for the use and benefit of the public the right to pursue all operations of the Airport in the PLE Area, including the right of aircraft to fly in the airspace overlying and in the vicinity of the PLE Area, and the right of said aircraft to cause such noise and vibration as may be inherent in the operation of aircraft.
10. At all times while exercising the rights granted under this Easement the City shall keep the airspace above the PLE Area clear and free of any and all objects extending 25 feet above existing ground level.
11. The City shall not use or permit the use of the PLE Area in such a manner as to create interference with communications between the Airport and aircraft, or to make it difficult for pilots to observe or distinguish Airport lights and markings, to create or result in any foreign object debris that may affect aircraft safety, to cause glare in the eyes of pilots using the Airport, or otherwise use the PLE Area in any manner that may create a hazard to aviation or Airport operations.
12. Exercise by the City of any of the rights granted under this Easement shall be deemed to be consent by the City to be bound by the conditions and covenants set forth herein.

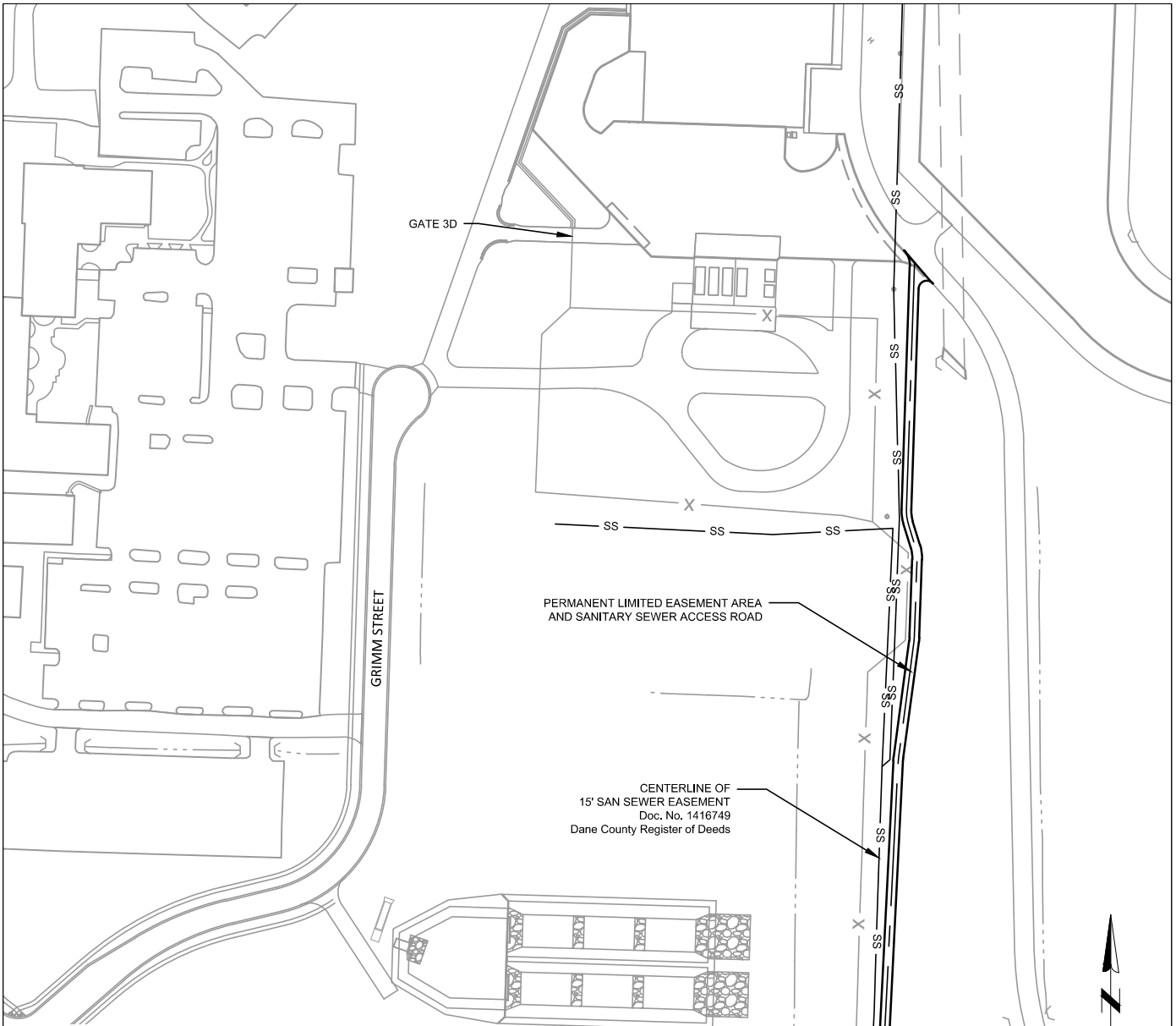
**COUNTY OF DANE**

By: \_\_\_\_\_  
Scott McDonell, County Clerk

State of Wisconsin    )  
                                  )ss.  
County of Dane        )

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2014, the above named Scott McDonnell, Dane County Clerk, acting in said capacity and known by me to be the person who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
Notary Public, State of Wisconsin  
My Commission Expires \_\_\_\_\_



**PERMANENT LIMITED EASEMENT AREA**

A PERMANENT LIMITED EASEMENT, FOR THE USE OF THE ACCESS ROAD THEREON, LOCATED IN PART OF THE SOUTHEAST 1/4 OF SECTION 30, TOWNSHIP 10 NORTH, RANGE 10 EAST, CITY OF MADISON, DANE COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 30; THENCE ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 30, N00°43'59"W, 1298.95 FEET; THENCE S89°16'01"W, 49.77 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE OF THE PERMANENT LIMITED EASEMENT; THENCE S01°53'49"W, 304.40 FEET, THENCE 16.45 FEET ALONG THE ARC OF A CURVE TO THE LEFT WITH A RADIUS OF 50.00 FEET AND A CHORD OF S07°31'42"E, 16.38 FEET; THENCE S16°57'12"E, 30.34 FEET; THENCE 16.50 FEET ALONG THE ARC OF A CURVE TO THE RIGHT WITH A RADIUS OF 50.00 FEET AND A CHORD OF S07°30'05"E, 16.42 FEET; THENCE S01°57'03"W, 95.92 FEET; THENCE S04°47'40"W, 4.66 FEET; THENCE S07°38'17"W, 144.33 FEET; THENCE 4.18 FEET ALONG THE ARC OF A CURVE TO THE LEFT WITH A RADIUS OF 50.00 FEET AND A CHORD OF S05°14'38"W, 4.18 FEET; THENCE S02°50'59"W, 558.61 FEET; THENCE S45°44'27"E, 40.00 FEET TO THE POINT OF TERMINATION OF THE CENTERLINE OF SAID 12' WIDE PERMANENT LIMITED EASEMENT WHOSE POINT OF TERMINATION IS THE CENTER OF A 72-FOOT DIAMETER CUL-DE-SAC WHICH IS INCLUDED IN THE EASEMENT AREA.

TOTAL LENGTH OF SAID CENTERLINE IS 1215.39 FEET.

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DANE COUNTY REGIONAL AIRPORT

2309936-10025.01  
09/26/2014



EXHIBIT A