

Dane County Contract Cover Sheet

Revised 01/2025

Res 246
significant

Dept./Division	AIRPORT/ADMIN		
Vendor Name	B&G Real Estate	MUNIS #	
Brief Contract Title/Description	Release of deed restrictions, easement and right of way affecting land near the Dane County Regional Airport		
Contract Term	Upon execution - in perpetuity		
Contract Amount	500,000.		

Contract # Admin will assign	15697
Type of Contract	
<input type="checkbox"/>	Dane County Contract
<input type="checkbox"/>	Intergovernmental
<input type="checkbox"/>	County Lessee
<input type="checkbox"/>	County Lessor
<input type="checkbox"/>	Purchase of Property
<input type="checkbox"/>	Property Sale
<input type="checkbox"/>	Grant
<input checked="" type="checkbox"/>	Other

Department Contact Information		Vendor Contact Information	
Name	Adam Ussher	Name	
Phone #	608-246-3388	Phone #	
Email	ussher.adam@msnairport.com	Email	
Purchasing Officer			

Purchasing Authority	<input type="checkbox"/> \$13,000 or under – Best Judgment (1 quote required)	
	<input type="checkbox"/> Between \$13,000 – \$45,000 (\$0 – \$25,000 Public Works) (3 quotes required)	
	<input type="checkbox"/> Over \$45,000 (\$25,000 Public Works) (Formal RFB/RFP required)	RFB/RFP #
	<input type="checkbox"/> Bid Waiver – \$45,000 or under (\$25,000 or under Public Works)	
	<input type="checkbox"/> Bid Waiver – Over \$45,000 (N/A to Public Works)	
	<input type="checkbox"/> Cooperative Contract	Contract Name & #
	<input checked="" type="checkbox"/> N/A - Grants, Leases, Intergovernmental, Property Purchase/Sale, Other	



MUNIS Req.	Req #	Org:	Obj:	Proj:	\$
		Org:	Obj:	Proj:	\$
	Year	Org:	Obj:	Proj:	\$

Budget Amendment	
<input type="checkbox"/>	A Budget Amendment has been requested via a Funds Transfer or Resolution. Upon addendum approval and budget amendment completion, the department shall update the requisition in MUNIS accordingly.

Resolution Required if contract exceeds \$100,000	<input type="checkbox"/> Contract does not exceed \$100,000	Res #	246
	<input type="checkbox"/> Contract exceeds \$100,000 – resolution required.		Year
	<input checked="" type="checkbox"/> A copy of the Resolution is attached to the contract cover sheet.		

CONTRACT MODIFICATIONS – Standard Terms and Conditions		
<input type="checkbox"/> No modifications.	<input checked="" type="checkbox"/> Modifications and reviewed by: Adam Ussher	<input type="checkbox"/> Non-standard Contract

APPROVAL	
Dept. Head / Authorized Designee	
Ussher, Adam	Digitally signed by Ussher, Adam Date: 2025.01.08 11:17:33 -06'00'

APPROVAL – Contracts Exceeding \$100,000	
Director of Administration	Corporation Counsel
	

APPROVAL – Internal Contract Review – Routed Electronically – Approvals Will Be Attached			
DOA:	Date In: 1/8/25	Date Out: _____	<input checked="" type="checkbox"/> Controller, Purchasing, Corp Counsel, Risk Management

Goldade, Michelle

From: Goldade, Michelle
Sent: Thursday, January 9, 2025 10:06 AM
To: Hicklin, Charles; Kasperek, Mary; Rogan, Megan; Cotillier, Joshua
Cc: Stavn, Stephanie; Oby, Joe
Subject: Contract #15697
Attachments: 15697.pdf

Tracking:	Recipient	Read	Response
	Hicklin, Charles	Read: 1/9/2025 12:12 PM	Approve: 1/9/2025 12:13 PM
	Kasperek, Mary	Read: 1/9/2025 10:07 AM	Approve: 1/9/2025 10:10 AM
	Rogan, Megan	Read: 1/9/2025 10:09 AM	Approve: 1/9/2025 3:01 PM
	Cotillier, Joshua		Approve: 1/9/2025 11:10 AM
	Stavn, Stephanie	Read: 1/9/2025 2:43 PM	
	Oby, Joe		

Please review the contract and indicate using the vote button above if you approve or disapprove of this contract.

Contract #15697

Department: Airport

Vendor: B&G Real Estate

Contract Description: Release of Deed Restrictions, Easement and Right of Way (Res 246)

Contract Term: perpetual

Contract Amount: \$500,000.00

Michelle Goldade

Administrative Manager

Dane County Department of Administration

Room 425, City-County Building

210 Martin Luther King, Jr. Boulevard

Madison, WI 53703

PH: 608/266-4941

Fax: 608/266-4425

TDD: Call WI Relay 711

Please Note: I currently have a modified work schedule...I am in the office Mondays and Wednesdays and working remotely Tuesdays, Thursdays and Fridays.

1
2
3 **2024 RES-246**

4 **AUTHORIZING RELEASE OF DEED RESTRICTION, EASEMENT, AND RIGHT OF WAY**
5 **AFFECTING LAND NEAR THE DANE COUNTY REGIONAL AIRPORT**

6 Approximately 63.6 acres of land located at 4000 Packers Avenue is encumbered by rights
7 reserved by the federal government in the original conveyance. The current property owners seek
8 to sell the property to a developer that intends to build approximately 716 apartments, 76 single
9 family homes, and 112 townhomes, but those rights prevent development of the property. One of
10 the beneficiaries of those rights was the City of Madison as the Airport Sponsor, and those rights
11 transferred to Dane County when it took over as Airport Sponsor. The Airport has evaluated its
12 need for those rights and has determined that its interests for the foreseeable future are
13 adequately addressed by other rules and regulations and that it can release its rights in
14 compliance with FAA regulations. Those regulations require that the Airport receive fair market
15 consideration when releasing or transferring property rights. As such, the Airport will receive
16 \$500,000 in exchange for the release.
17

18 **NOW, THEREFORE, BE IT RESOLVED** that the Dane County Executive and the Dane
19 County Clerk are authorized to execute on behalf of Dane County a Release of Deed Restriction,
20 Easement, and Right of Way, as set forth above.
21

RELEASE OF DEED RESTRICTION,
EASEMENT AND RIGHT OF WAY

This Release of Deed Restriction, Easement and Right of Way (the "Release") is effective as of _____, 202_, and is made and entered into by Dane County for the purpose of releasing a certain deed restriction, easement and right of way contained in the Quitclaim Deed, dated March 8, 1949, from the United States of America, acting by and through the Federal Farm Mortgage Corporation ("FFMC"), to Ernest R. Raemisch and Pauline Raemisch (the "Raemisches"), which was recorded in the Dane County Register of Deeds in Vol. 532, Pages 117-118, as Document No. 784388 (the "1949 Deed"), conveying and encumbering certain real estate legally described as:

The Fractional South Half (1/2) of the Southwest Quarter (1/4) of Section Nineteen (19), Township Eight (8) North, Range Ten (10) East in the City of Madison, Dane County, Wisconsin.

(the "Raemisch Farms Property").

Recording Area

Name and Return Address

Bridget M. Hubing
Reinhart Boerner Van Deuren s.c.
N16 W23250 Stone Ridge Drive
Waukesha, WI 53188

251/0810-193-0085-5;
251/0810-193-0097-0; and
251/0810-193-0086-3

Parcel Identification Numbers (PINs)

RECITALS

A. On March 8, 1949, when the 1949 Deed was executed, the City of Madison owned the Dane County Regional Airport (the "Airport"), which was formerly known as the Madison Municipal Airport. The airfield at that time was named Truax Field.

B. On July 1, 1974, the City of Madison's transfer of the Airport to the Dane County became effective.

C. Therefore, Dane County is the successor-in-interest to the City of Madison and is the current holder of any and all remaining rights and interest that the City of Madison received in the Raemisch Farms Property, as provided in said 1949 Deed.

D. The third paragraph of the 1949 Deed imposed a height restriction on the Raemisch Farms Property, to wit:

No buildings, structures, or other obstructions shall be raised upon the lands conveyed hereby, nor trees, underbrush or any other growths be allowed to grow thereon to a height greater than 85 feet above the level of the east-west runway of the airfield adjacent thereto known at the Truax Field for Madison Municipal Airport, and/or the natural surface of the earth, whichever may be less.

(the "Deed Restriction").

E. The fourth paragraph of the 1949 Deed reserved an easement and right of way on the Raemisch Farms Property, to wit:

There is hereby specifically reserved and excepted from this conveyance unto and for the benefit of the grantor, the United States of America, its successors, grantees and assigns, the City of Madison, Wisconsin, its successors, grantees and assigns, and the duly authorized and licensed users for avigational purposes of that certain land area conveyed to the City of Madison, Wisconsin for operation and/or development as an airport by quitclaim deed executed on behalf of the United States of America, acting by and through the War Assets Administrator, under date of March 3, 1948 as recorded in the Office of the Register of Deeds for Dane County, Wisconsin under date of March 18, 1948 in Volume 210, Miscellaneous, at Page 335, as Instrument No. 761227, 210 Miscellaneous, at Page 335, as Instrument No. 761227, and by quitclaim deed executed on behalf of the United States of America, acting by and through the War Assets Administrator, under date of August 13, 1948. The Easement and right-of-way reserved hereby includes a permanent and continuous easement and right-of-way on the part of the United States of America, its grantees, successors and assigns, the City of Madison, Wisconsin, its grantees, successors and assigns, to enter in and upon the premises conveyed

by this instrument and to remove from and clear the said premises of any and all trees, underbrush and soil and to demolish and remove therefrom any buildings or other structures or obstructions extending to a greater height than 85 feet above the level of the east-west runway of the said Truax Field and/or the natural surface of the earth., whichever may be less.

(the “Easement and Right of Way”).

F. The current owners of the Raemisch Farms Property purportedly burdened by the Deed Restriction and the Easement and Right of Way desire to develop the land, which proposed development will include the construction of buildings, structures and other improvements having a “height greater than 85 feet above the level of the [former] east-west runway of the airfield adjacent thereto known as the Truax Field for Madison Municipal Airport, and/or the natural surface of the earth, whichever may be less.”

G. Dane County Ordinance Chapter 78, titled Height and Use Limitations Applicable in the Vicinity of the Airport, and specifically Dane County Ordinance 78.05 (the “Ordinance”), currently imposes a height restriction over an airport affected area that includes the Raemisch Farms Property, which helps protect the Airport’s interest in the safety of Airport users.

H. The Airport has evaluated its need for the Deed Restriction or the Easement and Right of Way, and has determined its interests as they relate to the Raemisch Farms Property for the foreseeable future are adequately addressed by other rules and regulations and that it can release its rights as described herein in compliance with its FAA Grant Assurances and other rules regulating Airport’s operations, and therefore, desires to release any and all remaining rights, title and interests in the Raemisch Farms Property by virtue of the 1949 Deed or otherwise in exchange for valuable consideration as described in a Settlement Agreement dated October 30, 2024.

RELEASE

Dane County, as the successor-in-interest to the City of Madison, hereby fully and forever releases, terminates, cancels, forfeits and extinguishes any and all rights, title and interests it holds in the Raemisch Farms Property, including, but not limited to, the Deed Restriction and the Easement and Right of Way found in paragraphs three and four of the 1949 Deed. This Release shall run with the land, be binding on Dane County and its successors, grantees and assigns, and inure to the benefit of the owners and developers of the Raemisch Farms property and their successors, grantees and assigns.

[SIGNATURE PAGE FOLLOWS]

DANE COUNTY

BY: Melissa Agard
ITS: Dane County Executive

BY: Scott McDonell
ITS: Dane County Clerk

State of Wisconsin)
 : SS
Dane County)

This instrument was acknowledged before me on _____, 202_ by Melissa Agard, Dane County Executive, on behalf of Dane County and the Dane County Regional Airport.

[Seal]

(_____)
Notary Public, State of Wisconsin
My commission (is permanent) (expires _____)

State of Wisconsin)
 : SS
Dane County)

This instrument was acknowledged before me on _____, 202_ by Scott McDonell, Dane County Clerk, on behalf of Dane County and the Dane County Regional Airport.

[Seal]

(_____)
Notary Public, State of Wisconsin
My commission (is permanent) (expires _____)