

RESOLUTION APPROVING SANITARY SEWER EASEMENT AGREEMENT

Resolution R2018-5

WHEREAS, the City of Milton (“the City”) holds an easement granted by the State of Wisconsin Department of Transportation (“the DOT”) to locate a sanitary sewer main within a portion of the I-39/90 right-of-way located near the intersection of N. Newville Rd. and N. Pine Rd.; and

WHEREAS, to facilitate the I-39/90 expansion project, the DOT has asked the City to quitclaim to the DOT the City’s easement rights described above; and

WHEREAS, as a result of quitclaiming said easement rights to the DOT, the City is required to relocate that portion of its sanitary sewer main which is currently located within said easement; and

WHEREAS, the City wishes to relocate the sanitary sewer main to the east portion of the right-of-way of N. Newville Rd. and the right-of-way of N. Pine Rd. located within the Town of Milton; and

WHEREAS, the City has asked the Town of Milton (“the Town”) to grant to the City an easement to relocate the subject sanitary sewer main within a portion of the east one-half of the right-of-way of N. Newville Rd. and the right-of-way of N. Pine Rd; and

WHEREAS, the City has agreed to provide for road repairs and grading sufficient to assure that the interests of the Town are appropriately addressed in granting such an easement;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF MILTON THAT:

The Town Chairman and the Town Clerk are authorized to sign and enter into the “Agreement to Grant Sanitary Sewer Easement” signed by the Mayor and Clerk of the City on November 7, 2018, if the form attached.


Bryan Meyer, Town Chair

AGREEMENT TO GRANT SANITARY SEWER EASEMENT

WHEREAS, the City of Milton (City) holds an easement granted by the State of Wisconsin Department of Transportation (DOT) to locate a sanitary sewer main within a portion of the I-39/90 right-of-way located near the intersection of N. Newville Rd. and N. Pine Rd.; and

WHEREAS, to facilitate the I-39/90 expansion project, the DOT is requesting that the City quitclaim to the DOT the City's easement rights described above; and

WHEREAS, by quitclaiming said easement rights to the DOT, the City will be required to relocate that portion of its sanitary sewer main which is currently located within said easement; and

WHEREAS, it is proposed that the sanitary sewer main of the City be relocated to the east portion of the right-of-way of N. Newville Rd. and the right-of-way of N. Pine Rd. located within the Town of Milton; and

WHEREAS, the City wishes to enter into an agreement with the Town of Milton (Town) whereby the Town will grant to the City an easement to relocate the subject sanitary sewer main within a portion of the east one-half of the right-of-way of N. Newville Rd. and the right-of-way of N. Pine Rd., subject to the obligation of the City to repair any affected right-of-way areas to the appropriate road standards, including the application of hot-mix asphalt overlay to the affected paved portions of said road right-of-ways.

NOW, THEREFORE, is agreed by and between the Town and the City, for good and valuable consideration as stated herein, as follows.

1. Subject to the conditions described below, the Town will provide the City a permanent sanitary sewer main easement and the right of ingress and egress to maintain said sanitary sewer main. Said easement will consist of the town's interest in those portions of the right-of-ways of N. Newville Rd. and N. Pine Rd. identified on the attached Exhibit 1. Further, the Town will grant the City a temporary construction easement for the purpose of installing the sanitary sewer main. The temporary easement will terminate upon completion of the construction and installation of the sanitary sewer main.
2. Exhibit 1 identifies the maximum area to be covered by the permanent easement and temporary construction easement. It is the intent of the City to limit the easements to the unpaved areas of the right-of-ways. The specific portions of the right-of-ways of N. Newville Rd. and N. Pine Rd. subject to said easements will be described in a sanitary sewer main construction and maintenance easement prepared by the City for approval by the Town, once the final design plans for the sanitary sewer main are prepared for, and approved by the City.
3. The Town agrees that if the area covered by the easements, as described in the sanitary sewer main construction and maintenance easement, is not greater than the area described in Exhibit 1, the Town will approve said easement and authorize the Town chairperson to sign same on behalf of the Town.

4. In consideration for the granting of the sanitary sewer main construction and maintenance easements by the Town, the City agrees that following completion of the construction and installation of the sanitary sewer main, the City will repair the affected road right-of-way of N. Pine Rd. to Rock County rural road standards. This obligation shall include any and all grading of ditches of the subject right-of-way necessary to comply with Rock County rural road standards. It will also include application of a hot-mix asphalt overlay on the affected paved portions of the road right-of-way as well as the addition of aggregate to the road shoulders and restoration of the non-paved areas of the right-of-way. The DOT will repair the affected portion of the N. Newville Rd. right-of-way, to include the application of a hot-mix asphalt overlay on the affected paved portion of the road right-of-way as part of the I-39/90 improvement project.

Approved by the Town Board of the Town of Milton this 20th day of November, 2018.

TOWN OF MILTON

By: Bryan Meyer
Bryan Meyer, Chairman

Attest:

Marcy Granger
Marcy Granger, Town Clerk

Approved by the Common Council of the City of Milton this 7 day of November, 2018.

CITY OF MILTON

By: Anissa Welch
Anissa Welch, Mayor

Attest:

Leanne Schroeder
Leanne Schroeder, City Clerk

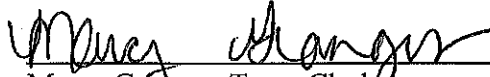
CERTIFICATE

I hereby certify that the above Resolution was adopted by the Town Board of the Town of Milton on the 20th day of November, 2018, and that on the 20th day of November, 2018, a copy of the above Resolution was posted in three places in the Town as follows:

Town Hall

First Community Bank

Town's website



Marcy Granger, Town Clerk
Town of Milton