City of Stoughton, 207 S Forrest Street, Stoughton WI 53589

RESOLUTION FROM THE UTILTIES COMMITTEE TO THE STOUGHTON COMMON COUNCIL			
Authorizing the Partial Release of a Platted Public Utility Easement on Lot 141 of John Nygaard's Virgin Lake Estates (2108 Wood View Dr), recorded as Document No. 5618013, Dane County Registry			
Committee Action:	Utilities Committee recommended Common Council approval 5 - 0		
Fiscal Impact:	None		
File Number:	R-122-2023	**Date Introduced:**	July 25, 2023

The City of Stoughton, Wisconsin, Common Council does proclaim as follows:

WHEREAS, Stoughton Utilities has received a request from the property owner of Lot 141 of John Nygaard's Virgin Lake Estates (2108 Wood View Dr) to release a platted public utility easement; and

WHEREAS, the release will consist of releasing the 6-foot easement that runs along the full length, approximately 124-feet, of the west property boundary, with other public utility easements located elsewhere on the parcel remaining as currently recorded; and

WHEREAS, Stoughton Utilities has no existing utility infrastructure located with the platted easement to be released; and

WHEREAS, the proposed release has been reviewed by Stoughton Utilities staff and has been determined to be acceptable to the utility; and

WHEREAS, on May 15, 2023, the Stoughton Utilities Committee met to consider and approve the release of a platted public utility easement on Lot 141 of John Nygaard's Virgin Lake Estates (2108 Wood View Dr), recorded as Document No. 5618013, Dane County Registry, and recommend approval to the Stoughton Common Council; now therefore

BE IT RESOLVED by the City of Stoughton Common Council that that the Stoughton Utilities Director be hereby directed to agree to the recording of a partial release of a platted public utility easement on Lot 141 of John Nygaard's Virgin Lake Estates (2108 Wood View Dr), recorded as Document No. 5618013, Dane County Registry.

Council Action: ☐ **Adopted** ☐ **Failed** **Vote:** _____

Mayoral Action: ☐ **Accept** ☐ **Veto**

_____ _____

Mayor Tim Swadley Date

Council Action: _____ ☐ **Override** **Vote:** _____

Stoughton Electric Utility Annual Report filed with the Public Service Commission of Wisconsin: Stoughton Utilities staff presented and discussed the Stoughton Electric Utility Annual Report filed with the Public Service Commission of Wisconsin. Discussion followed.

Stoughton Water Utility Annual Report filed with the Public Service Commission of Wisconsin: Stoughton Utilities staff presented and discussed the Stoughton Water Utility Annual Report filed with the Public Service Commission of Wisconsin. Discussion followed.

Authorizing the Partial Release of a Platted Public Utility Easement on Lot 141 of John Nygaard's Virgin Lake Estates (2108 Wood View Dr), recorded as Document No. 5618013, Dane County Registry: Stoughton Utilities staff discussed a customer request for a partial release of a platted public utility easement. Staff informed the committee that Stoughton Utilities does not have any existing utility infrastructure located in the easement and that there were no plans to utilize the easement in the future. Staff noted that the Dane County Registration Document No. 5592538 included on the meeting notice was incorrect and should be Document No. 5618013. Staff also noted that following attorney review it was recommended that an illustration of the easement to be released should be included in the documentation prior to approval by the Common Council. Discussion followed.

Motion by Chenoweth, seconded by Hirsch, to authorize the partial release of a platted public utility easement on Lot 141 of John Nygaard's Virgin Lake Estates (2108 Wood View Dr), recorded as Document No. 5618013, Dane County Registry, and recommend approval of the partial easement release following the addition of an illustration of the easement to be released to the Stoughton Common Council. The motion carried unanimously 5 to 0.

Wastewater 2022 Compliance Maintenance Annual Report (CMAR): Stoughton Utilities staff presented and discussed the 2022 CMAR. Staff informed the committee that annual submittal of an electronic CMAR form (eCMAR) is required to be completed no later than June 30. Staff further informed the committee that there were no concerns noted in the CMAR. Discussion followed.

Motion by Payton, seconded by Jenson, to approve the 2022 Compliance Maintenance Annual Report and recommend the approval and adoption of the corresponding resolution to the Stoughton Common Council at their May 23, 2023 meeting. The motion carried unanimously 5 to 0.

Revisions to the City of Stoughton Investment Policy: Stoughton Utilities staff presented and discussed a proposed policy that was drafted by City of Stoughton staff with input and review from Stoughton Utilities staff. Staff explained the proposed policy would replace procedures currently specified in the Stoughton code of ordinances and how the proposed policy would impact future new investments as well as the information that would be presented to the Utilities Committee at upcoming meetings. Discussion followed.

Motion by Jenson, seconded by Payton, to approve the revised City of Stoughton Investment Policy and recommend approval to the Stoughton Finance Committee and Stoughton Common Council. The motion carried 4 to 1 with Chenoweth voting No.

Utilities Committee Future Agenda Items: Stoughton Utilities staff informed the committee that the annual water Consumer Confidence Report (CCR) will be presented at the June meeting. Committee members requested that a comparison of Stoughton Utilities electric rates with the rates of neighboring investor-owned utilities be provided at an upcoming meeting, and that a tour of the wastewater treatment facility be offered prior

Stoughton Utilities

600 South Fourth Street P.O. Box 383
Stoughton, WI 53589-0383

Serving Electric, Water & Wastewater Since 1886

Date: May 9, 2023

To: Stoughton Utilities Committee

From: Jill M. Weiss, P.E.
Stoughton Utilities Director

Subject: Authorizing the Partial Release of a Platted Public Utility Easement on Lot 141 of John Nygaard's Virgin Lake Estates (2108 Wood View Dr), recorded as Document No. 5592538, Dane County Registry

Stoughton Utilities has received a request from the property owner of Lot 141 of John Nygaard's Virgin Lake Estates (2108 Wood View Dr) to release a platted public utility easement. This release will consist of releasing the 6-foot easement that runs along the full length, approximately 124-feet, of the west property boundary. Public utility easements located elsewhere on the parcel will remain as currently recorded.

Stoughton Utilities has no existing utility infrastructure located within the platted easement that has been requested to be released. The proposed release of the public utility easement has been reviewed by Stoughton Utilities staff and has been determined to be acceptable to the utility. It is currently being reviewed by the Stoughton City Attorney as to form.

We are requesting that the Stoughton Utilities Committee review and authorize the partial release of a platted public utility easement on Lot 141 of John Nygaard's Virgin Lake Estates (2108 Wood View Dr), recorded as Document No. 5592538, Dane County Registry, with such changes necessary to finalize the release as are acceptable to and recommended by our legal counsel, and recommend approval of the partial easement release to the Stoughton Common Council at their May 23, 2023 meeting.

RELEASE OF PLATTED UTILITY EASEMENT

In accordance with section 236.293 of the State of Wisconsin Statutes, the City of Stoughton, Dane County, Wisconsin does hereby release, discharge and abandon all of right, title and interest in and to:

See Exhibit "A" for legal description and Exhibit "B" for a depiction of the Easement Area to be released.

This release of easement does not release or modify any other easements set forth on the recorded document referenced in Exhibit A.

This release of easement is made for the benefit of all current owners of the above described property, including future owners/heirs.

Authorized by Resolution Number _____, adopted by the City of Stoughton Common Council on _____, 2022.

Dated this _____ day of _____, 2023.

City of Stoughton, Wisconsin,
acting through Stoughton Utilities

By:_____
Name: Jill Weiss, Utilities Director

Record this document with the Register of Deeds

Name and return address:

Andrew Hoffman
2108 Wood View Dr.
Stoughton, Wi, 53589

Parcel Identification Number:

281/0511-062-4471-6

Acknowledgement

The foregoing instrument was acknowledged before me this _____ day of _____, 2023, by the above-named Jill Weiss, known to me to be the Utilities Director of the City of Stoughton, on behalf of said City of Stoughton.

(signature)_____ Notary Commission Expires: ___ /___ /_____

(print)_____

Exhibit A

Easement area to be released:

A 123.66-foot-long and 6-foot-wide utility easement as depicted on lot 141, John Nygaard's Virgin Lake Estates , as recorded on February 18, 1994, in vol. 56-180B Plats, Page 555 as document no. 5618013, in the office of the Register of Deeds for Dane County, Wisconsin, and more specifically:

The west 6 feet from front of to the back of said lot 141, John Nygaard's Virgin Lake Estates.

Exhibit B

This easement area to be released is located in the parcel described as the Southwest Quarter (SW1/4) of the Northwest Quarter (NW1/4), Section 6, Town 5 North, Range 11 East, City of Stoughton, Dane County, Wisconsin.

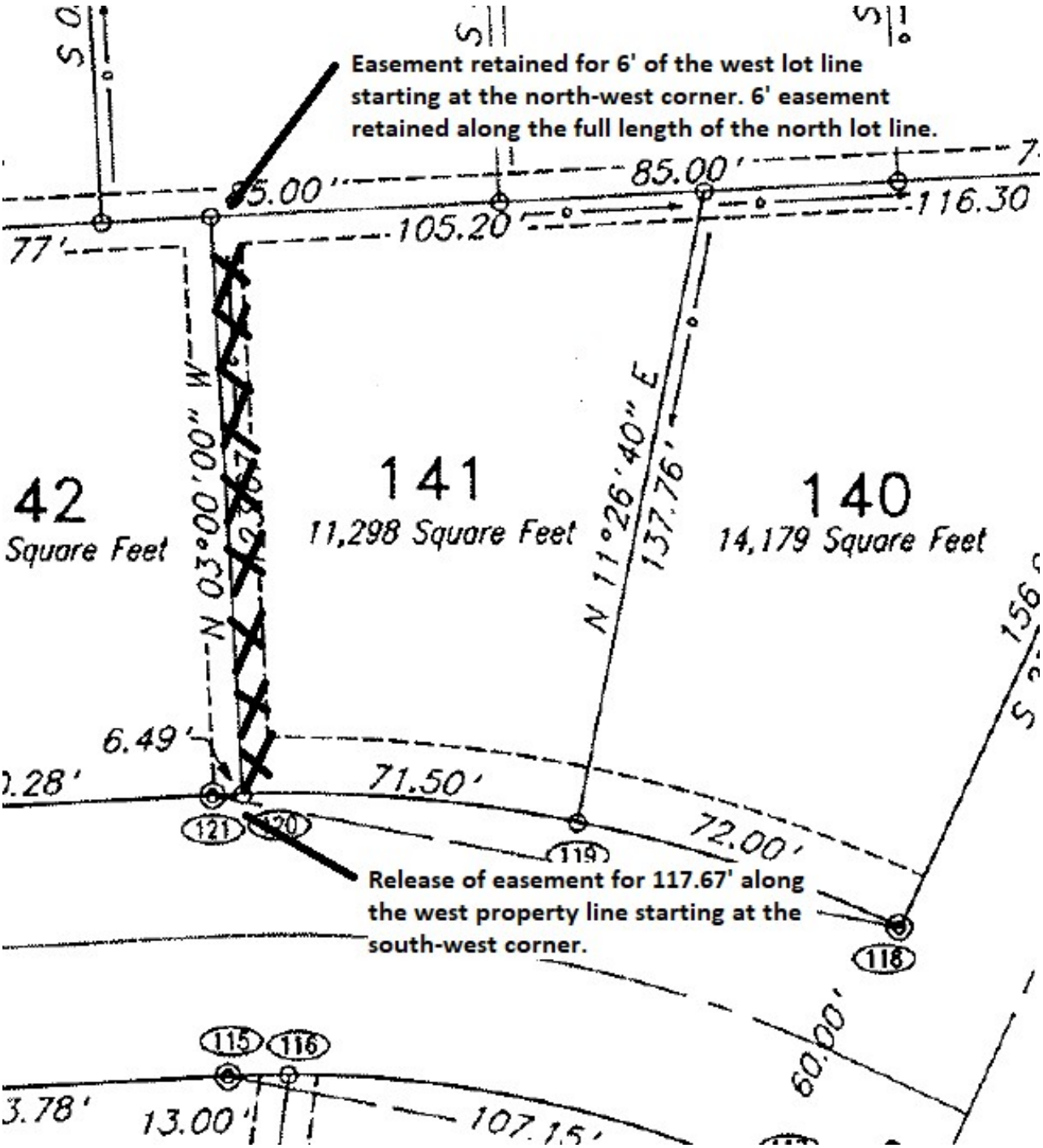

Exhibit C

John Nygaard's Virgin Lake Estates Plat

Doc. No. 5618013

See attachment.

DCiMap
Version 4.1
Find address or PIN
WOOD VIEW DR
VIRGIN LAKE DR
40ft
Parcels | County of Dane, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA
POWERED BY esri

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Mayoral Action: ☐ **Accept** ☐ **Veto**

_____ _____

Mayor Tim Swadley Date

Council Action: _____ ☐ **Override** **Vote:** _____