



Legislation Details (With Text)

**File #:** 29736      **Version:** 1      **Name:** Vacation/Discontinuance of a portion of N. Park Street, lying adjacent to Lot 1, Block 2, Madison Original Plat, being located in part of the Southwest one-quarter (1/4) of the Southwest one-quarter (1/4) Section 14, Township 7 North, Range 9 East, City of Madison, Dane County, Wisconsin. (8th AD)

**Type:** Resolution      **Status:** Passed

**File created:** 4/9/2013      **In control:** BOARD OF PUBLIC WORKS

**On agenda:** 5/21/2013      **Final action:** 5/21/2013

**Enactment date:** 5/22/2013      **Enactment #:** RES-13-00387

**Title:** Vacation/Discontinuance of a portion of N. Park Street, lying adjacent to Lot 1, Block 2, Madison Original Plat, being located in part of the Southwest one-quarter (1/4) of the Southwest one-quarter (1/4) Section 14, Township 7 North, Range 9 East, City of Madison, Dane County, Wisconsin. (8th AD)

And authorizing the Mayor and City Clerk to accept public dedication for N. Park Street, being a part of Lot 10, Block 1, Madison Original Plat being located in part of the Southwest one-quarter (1/4) of the Southwest one-quarter (1/4) Section 14, Township 7 North, Range 9 East, City of Madison, Dane County, Wisconsin. (8th AD)

And approving a maintenance agreement between the City of Madison and University of Wisconsin for the University of Wisconsin to maintain private improvements within the N. Park Street public right of way. The Mayor and City Clerk are hereby authorized and directed to execute an agreement between The City of Madison and University of Wisconsin for the Maintenance of portions of the N. Park Street public right of way.

**Sponsors:** Scott J. Resnick

**Indexes:**

**Code sections:**

**Attachments:** 1. Proposed Memorial Union Site Plans\_800 Langdon St.pdf, 2. 104071-Dedication.pdf, 3. 104071-Vacation.pdf, 4. Register of Deeds copy

Date	Ver.	Action By	Action	Result
5/21/2013	1	COMMON COUNCIL	Adopt	Pass
5/8/2013	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
5/6/2013	1	PLAN COMMISSION	Return to Lead with the Recommendation for Approval	Pass
5/1/2013	1	BOARD OF PUBLIC WORKS	Referred	
4/30/2013	1	COMMON COUNCIL	Refer	Pass
4/9/2013	1	Engineering Division	Referred for Introduction	

**Fiscal Note**

No expenditure of City funds required. Any costs and work relating to public infrastructure reconstruction and/or required public street signage changes as a result of the proposed redevelopment plan and street vacation shall be the sole responsibility of the Owner/Developer and administered under Private Contract between the Owner/Developer and the City in accordance with Private Contract No. 2297 / Engineering Project No. 53B2297.

## Title

Vacation/Discontinuance of a portion of N. Park Street, lying adjacent to Lot 1, Block 2, Madison Original Plat, being located in part of the Southwest one-quarter (1/4) of the Southwest one-quarter (1/4) Section 14, Township 7 North, Range 9 East, City of Madison, Dane County, Wisconsin. (8th AD)

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And approving a maintenance agreement between the City of Madison and University of Wisconsin for the University of Wisconsin to maintain private improvements within the N. Park Street public right of way. The Mayor and City Clerk are hereby authorized and directed to execute an agreement between The City of Madison and University of Wisconsin for the Maintenance of portions of the N. Park Street public right of way.

## Body

**WHEREAS**, N. Park Street was dedicated to the public per the Madison Original Plat which was recorded October 10, 1839, in Volume A, Page 3, as Document No. 102, Dane County Registry; and

**WHEREAS**, the University of Wisconsin, has submitted for review the Memorial Union Redevelopment proposal which is attached hereto and made part of this resolution; and

**WHEREAS**, the City agency conditional approval comment letter is attached hereto and made part of this resolution, dated December 20, 2011 for the proposed Memorial Union to facilitate the associated proposed redevelopment; and

**WHEREAS**, JSD Inc., the Civil Engineering / Surveying consultant for the University of Wisconsin, has prepared the necessary N. Park Street dedication and vacation/discontinuance map and legal description exhibits which are attached hereto and made part of this resolution; and

**WHEREAS**, the City Engineering Division recommends approval of this street vacation subject to conditions of approval listed later in this resolution.

**NOW THEREFORE BE IT RESOLVED**, upon Common Council adoption of this resolution, the Mayor and City Clerk are hereby authorized to accept the public dedication on the west side of the N. Park Street right-of-way adjacent to the existing Helen C. White Hall (College Library) for the necessary cul-de-sac; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, the University of Wisconsin shall make no changes to the improvements within the maintained public right of way or easement area upon completion of the initial improvements without the written approval of the City Engineer. This requirement does not preclude the UW from later repairing or reconstructing the improvements that were included in the plans and specifications approved by the City.

**NOW THEREFORE BE IT FURTHER RESOLVED**, that the City Of Madison hereby conditionally discontinues and vacates a portion of N. Park Street, as platted by the Madison Original Plat, under WI Ss 66.1003(2), upon completion of the following conditions to the satisfaction of the City Engineer:

- UW shall enter into Contract for the Construction of Public Improvements to be Accepted by the City of Madison - Contact No. 2297 / Project No. 53B2297
- City retains public street permanent limited easement rights over the vacated area except for portions that are occupied by the UW Memorial Union building. Permanent public pedestrian use easements are retained within the vacated area under Memorial Union overhangs permitted within said vacation area per final approved site plans. UW shall maintain per terms and conditions per the separate recorded maintenance agreement.

- City retains the reversionary right and interest of the vacated area back to public street in the event the proposed Memorial Theater buildings and overhangs are ever razed
- City retains the right to remove any landscape planters or other UW improvements except for buildings and overhangs within the vacated area
- Maintenance Agreement between the UW and the City for portions of N. Park St. shall be executed and recorded with the Register of Deeds prior to final approval and recording of the N. Park St. street vacation.
- UW shall not be allowed to terminate the maintenance agreement without proper City approvals and permits
- UW shall dedicate to the City the right-of-way required on the West side of N. Park St. in front of the existing Helen C. White Hall (College Library) to facilitate the construction of the necessary cul-de-sac.
- The City shall install a railing on the storm box and UW shall maintain the railing per terms of the separate recorded maintenance agreement.

**NOW THEREFORE BE IT FINALLY RESOLVED**, the Common Council is approved to accept ownership of the public improvements in the Maintenance Area; and

**NOW THEREFORE BE IT FINALLY RESOLVED**, upon Common Council adoption of this resolution and the University of Wisconsin completing all street vacation conditions identified above to the satisfaction of the City Engineer, the City Engineer will then authorize the City Clerk to record this street vacation resolution with the Dane County Register of Deeds authorizing all City agencies to administer the appropriate workflows to complete and finalize all land record database updates.