



Legislation Details (With Text)

File #: 28541 **Version:** 1 **Name:** Vacation/Discontinuance of a portion of Elderberry Road / accept dedication of Elderberry Road from UW Regents / accept dedication from Attic Angel Prairie Point Inc. for the relocation of Elderberry Road.

Type: Resolution **Status:** Passed

File created: 12/4/2012 **In control:** BOARD OF PUBLIC WORKS

On agenda: 1/22/2013 **Final action:** 1/22/2013

Enactment date: 1/23/2013 **Enactment #:** RES-13-00056

Title: Vacation/Discontinuance of a portion of Elderberry Road in both the Northwest and Southeast quadrants of the current N. Pleasant View Rd intersection, being located in part of the Northwest one-quarter (1/4) of the Southwest one-quarter (1/4) of Section 22, and part of the Northeast one-quarter (1/4) of the Southwest one-quarter (1/4) of Section 22, Town 07 North, Range 08 East, City of Madison (formerly Township of Middleton), Dane County, Wisconsin, and

Authorizing the Mayor and City Clerk to accept dedication of land area from the University of Wisconsin Regents equal to the land area vacated by the City for the relocation of Elderberry Road, and

Authorizing the Mayor and City Clerk to accept dedication of land area owned from Attic Angel Prairie Point Inc. for the relocation of Elderberry Road. (9th AD)

Sponsors: Paul E. Skidmore

Indexes:

Code sections:

Attachments: 1. Exhibit A Elderberry Rd Exchange Legal Descriptions (2).pdf, 2. EXHIBIT A MAP.pdf, 3. Exhibit B Map and Legal Description.pdf, 4. State Building Commission minutes for 6-20-12 (2).pdf, 5. Certified Registered copy

Date	Ver.	Action By	Action	Result
1/22/2013	1	COMMON COUNCIL	Adopt	Pass
1/9/2013	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
12/17/2012	1	PLAN COMMISSION	Return to Lead with the Recommendation for Approval	Pass
12/11/2012	1	BOARD OF PUBLIC WORKS	Refer	
12/11/2012	1	COMMON COUNCIL	Referred	
12/5/2012	1	Engineering Division	Referred for Introduction	

Fiscal Note

No expenditure of City funds is required.

Title

Vacation/Discontinuance of a portion of Elderberry Road in both the Northwest and Southeast quadrants of the current N. Pleasant View Rd intersection, being located in part of the Northwest one-quarter (1/4) of the Southwest one-quarter (1/4) of Section 22, and part of the Northeast one-quarter (1/4) of the Southwest one-quarter (1/4) of Section 22, Town 07 North, Range 08 East, City of Madison (formerly Township of Middleton), Dane County, Wisconsin, and

Authorizing the Mayor and City Clerk to accept dedication of land area from the University of Wisconsin Regents equal to the land area vacated by the City for the relocation of Elderberry Road, and

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Body

WHEREAS, the City of Madison Engineering Division has created Engineering Project No. 53W0977 scheduling the reconstruction of Elderberry Road to accommodate increased traffic volumes due to increased development in this area; and

WHEREAS, it was brought to the attention of Engineering Division staff that there are apparent grave sites located within the existing Elderberry Road public right-of-way that may be disturbed; and

WHEREAS, to avoid the potential disturbance of the apparent grave sites, Engineering Division staff coordinated a relocated reconstruction alignment with adjacent property owners, Attic Angel Prairie Point Inc. and UW Regents; and

WHEREAS, both property owners have agreed to dedicate the required right-of-way at no cost to the City to allow an alternative Elderberry Road reconstruction design to avoid the apparent grave sites; and

WHEREAS, in return for the dedication from the UW Regents, the City of Madison shall vacate surplus Elderberry Road right-of-way to the UW Regents; and

WHEREAS, on November 27, 2012 the City of Madison Common Council approved the Plans, Specifications and Schedule of Assessments for Elderberry Road Assessment District - 2013 per RES-12-00864; and

WHEREAS, upon adoption of this street vacation and authorization to accept dedication resolution, the Office of Real Estate Services of the City of Madison Economic Development Division shall prepare and record a quit claim deed conveying the vacated lands to the UW Regents and prepare and record a deed from UW Regents to the City of Madison per Real Estate Project No. 9951 to allow for the proposed Elderberry Road reconstruction; and

WHEREAS, upon adoption of this street vacation and authorization to accept dedication resolution, the Office of Real Estate Services of the City of Madison Economic Development Division shall prepare and record a deed from Attic Angel Prairie Point Inc. to the City of Madison per Real Estate Project No. 9952 to allow for the proposed Elderberry Road reconstruction; and

WHEREAS, the City Of Madison shall retain temporary easements for construction and grading purposes within the vacated Elderberry road right-of-way related to the proposed Elderberry Road reconstruction. These temporary easements are necessary to allow for obliteration of the existing public street and perform proper grading on adjacent properties. The temporary easement rights shall expire upon completion, acceptance and termination of the warranty period of all improvements in accordance with approved plans and specifications; and

WHEREAS, attached hereto is the approved and adopted minutes from the June 20, 2012 State of Wisconsin Building Commission which approved the authority to trade/exchange equal area lands with the City of Madison.

NOW THEREFORE BE IT RESOLVED, that the City Of Madison hereby conditionally discontinues and vacates portions of Elderberry Road in both the Northwest and Southeast quadrants of the current N. Pleasant

View Rd intersection, being located in part of the Northwest one-quarter (1/4) of the Southwest one-quarter (1/4) of Section 22, and part of the Northeast one-quarter (1/4) of the Southwest one-quarter (1/4) of Section 22, Town 07 North, Range 08 East, City of Madison (formerly Township of Middleton), Dane County, Wisconsin as depicted on map Exhibit A and legal descriptions attached hereto and made part of this resolution per WI Ss 66.1003(2) in accordance with previously approved reconstruction plans; and

NOW THEREFORE BE IT FURTHER RESOLVED, under Section 80.32(4), Wisconsin Statutes, any existing easements or incidental rights within the vacated street areas are perpetuated as part of this vacation, together with permanent access, construction and maintenance easements retained over the entire vacated street areas for perpetual public infrastructure rights relative, but not limited to, public storm sewer and drainage, sanitary sewer, water main and potential need for re-establishment of public street; and

NOW THEREFORE BE IT FURTHER RESOLVED, under Section 66.1005(1), Wisconsin Statutes, reversionary rights of the vacated portions of Elderberry Road public right-of-ways revert entirely to the adjacent UW Regent owned properties; and

NOW THEREFORE BE IT FURTHER RESOLVED, following adoption of this resolution, the City Clerk shall validate this resolution by recording with the Dane County Register of Deeds, effectively conveying title of the vacated street right-of-ways to UW Regents. The City of Madison Assessor's Office shall then include the vacated lands with the adjacent properties owned by the UW Regents; and

NOW THEREFORE BE IT FURTHER RESOLVED, upon recording of this resolution, the Office of Real Estate Services of the City of Madison Economic Development Division shall administer, prepare and record with the Dane County Register of Deeds the necessary right-of-way dedication deeds from each of the affected parties: UW Regents (RE Project No. 9951) Exhibit A and Attic Angel Prairie Point Inc. (RE Project No. 9952) Exhibit B; and

NOW THEREFORE BE IT FINALLY RESOLVED, that all supplemental map and legal description Exhibits A & B are attached hereto and made part of this resolution. All attachments shall be attached by the City Clerk to the final resolution and the Office of Real Estate Services shall attach supplemental to appropriate deeds, all of which are to be recorded with the Dane County Register of Deeds.