



Legislation Details (With Text)

**File #:** 45286      **Version:** 1      **Name:** Discontinuing & vacating portions of Merchant St & Graaskamp Way within the plat of The Center For Industry & Commerce to permit the partial re-division of the subdivision, being located in the NW 1/4 of Sec 16, T 8 N, R 10 E, City of Madison, Dane County

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

**File created:** 11/29/2016      **In control:** BOARD OF PARK COMMISSIONERS

**On agenda:** 1/17/2017      **Final action:** 1/17/2017

**Enactment date:** 1/20/2017      **Enactment #:** RES-17-00047

**Title:** Discontinuing and vacating portions of Merchant Street and Graaskamp Way within the plat of The Center For Industry & Commerce to permit the partial re-division of the subdivision, being located in the Northwest 1/4 of Section 16, Township 8 North, Range 10 East, City of Madison, Dane County, Wisconsin. (17th AD)

**Sponsors:** Samba Baldeh

**Indexes:**

**Code sections:**

**Attachments:** 1. Vicinity Map CIC discontinuances.pdf, 2. EXHIBIT A CIC Discontinuances St Johns Version 3.pdf, 3. EXHIBIT B Vacate Merchant Graaskamp 2016.pdf, 4. EXHIBIT C CIC Esmts retained.pdf, 5. registered copy

| Date       | Ver. | Action By             | Action  | Result |
|------------|------|-----------------------|---|--------|
| 1/17/2017  | 1    | COMMON COUNCIL        | Adopt and Close the Public Hearing                  | Pass   |
| 12/14/2016 | 1    | BOARD OF PUBLIC WORKS | RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING      | Pass   |
| 12/12/2016 | 1    | PLAN COMMISSION       | Return to Lead with the Recommendation for Approval | Pass   |
| 12/6/2016  | 1    | BOARD OF PUBLIC WORKS | Referred  |        |
| 12/6/2016  | 1    | COMMON COUNCIL        | Referred  | Pass   |
| 11/29/2016 | 1    | Engineering Division  | Referred for Introduction                           |        |

**Fiscal Note**

No City funding required. This resolution authorizes the vacation and discontinuance of approximately 222,170 sq. ft. or 5.10 acres of portions of Merchant Street and Graaskamp Way within the plat of The Center For Industry & Commerce and does not require expenditure of City funds.

**Title**

Discontinuing and vacating portions of Merchant Street and Graaskamp Way within the plat of The Center For Industry & Commerce to permit the partial re-division of the subdivision, being located in the Northwest 1/4 of Section 16, Township 8 North, Range 10 East, City of Madison, Dane County, Wisconsin. (17th AD)

**Body**

**WHEREAS**, the plat of The Center For Industry & Commerce was conditionally approved by the City of Madison Common by Resolution No. 60240, File I.D. Number 33441, as adopted on the 18<sup>th</sup> of February, 2003 and the said Resolution provided for the acceptance of the lands dedicated for public street right-of-ways; and

**WHEREAS**, the plat of The Center For Industry & Commerce was subsequently recorded upon the satisfaction of the conditions of approval on the 8<sup>th</sup> of May, 2003 in Volume 58-024B of Plats on pages 129 -

134, as Document Number 3708481, Dane County Register of Deeds; and

**WHEREAS**, the Common Council adopted Resolution RES-13-00460, File I.D. Number 30382 on June 18, 2013 which authorized the execution of an "Agreement to Terminate the 'Agreement to Purchase and Undertake Development of the Northeast Industrial Property' " ("Purchase and Development Agreement") which was executed between the City of Madison ("City") and The Center for Industry & Commerce, LLC ("LLC") for the development of a mixed-use industrial park. Under the terms of the termination, the LLC deeded back to the City, at no cost, 14 lots containing approximately 24.21 acres of land, in exchange for a mutual termination of the Purchase and Development Agreement and being relieved of any remaining obligations, thus providing the City of Madison ownership and control of the remaining lands not yet purchased by a third party for development and sale; and

**WHEREAS**, the Common Council adopted Resolution RES-16-00714, File I.D. Number 44296, on September, 20, 2016 authorizing the execution of a Purchase and Sale Agreement between the City of Madison and St. John Properties Acquisitions, LLC for the purchase and option to purchase several lots, portions of lots and also portions of Merchant Street and Graaskamp Way proposed to be discontinued and vacated. Resolution RES-16-00714 provided that a separate resolution will be drafted and submitted by the City of Madison Engineer to vacate and discontinue portions of the public street right-of-ways currently known as Graaskamp Way and Merchant Street; and

**WHEREAS**, the Common Council adopted Resolution RES-16-00702, File I.D. Number 44236, on September, 20, 2016 amending RES-16-00567 authorizing the execution of a Purchase and Sale Agreement between the City of Madison and Greywolf Partners, Inc. for the purchase of Lots 32, 33 and 34 lying adjacent to a portion of Graaskamp Way proposed to be vacated and discontinued. Resolution RES-16-00702 states that the City and Greywolf Partners, Inc. agreed that the portion of Graaskamp Way south of John Wall Drive adjacent to the said Lots shall not be built and that the City of Madison is responsible for the discontinuance and vacation of that portion of Graaskamp Way as well as replatting of the discontinued right of way; and

**WHEREAS**, per the Purchase and Sale Agreement, St. John Properties Acquisitions, LLC is required and is in the process of submitting an application with the Department of Planning & Community & Economic Development for the review and approval a Certified Survey Map re-dividing a portion of The Center for Industry & Commerce; and

**WHEREAS**, the proposed Certified Survey Map will dedicate and reconfigure public street right-of-ways and combine lots for development and future development. This Certified Survey Map may not be recorded until the proposed existing portions of the public for street right-of-ways have been properly vacated and discontinued under s. 66.1003 Wisconsin Statutes; and

**WHEREAS**, portions of Merchant Street and Graaskamp Way are proposed to be vacated and discontinued to permit the development proposed by St. John Properties Acquisitions, LLC, City of Madison Engineering staff has prepared the necessary public right-of-way vacation and discontinuance maps (Exhibit A) and legal descriptions (Exhibit B) delineating all of these areas to be vacated and discontinued which are attached hereto and made part of this resolution; and

**WHEREAS**, the existing lots adjacent to the portions of the roads to be discontinued and vacated have not been developed; and

**WHEREAS**, the City Of Madison currently has public storm water, sanitary sewer and water main facilities within the southern portions of the public right-of-ways to be vacated and discontinued as labeled and shown as Public Street and Utility Easements to be retained by the City of Madison on attached Exhibit A and described on attached Exhibit C, both of which are attached hereto and made part of this resolution.; and

**WHEREAS**, this vacation and discontinuance will not result in a landlocked parcel of property due to the current contiguous common ownership by the City of Madison of Lots within the plat of The Center for Industry & Commerce; and

**WHEREAS**, the City Engineering Division recommends approval of these public right-of-way vacations and discontinuances subject to conditions as noted herein.

**NOW THEREFORE BE IT RESOLVED**, that since the public interest requires it, the City Of Madison hereby conditionally vacates and discontinues the public right-of-ways as shown on attached maps and legal descriptions, under Wisconsin ss. 66.1003(4), upon completion of the following condition:

- St. John Properties Acquisitions, LLC shall obtain conditional Land Division and Land Use approvals for the proposed development that are consistent with, as determined by the City Engineer, the portions of Merchant Street and Graaskamp Way to be vacated and discontinued.

**BE IT FURTHER RESOLVED**, that under Section 66.1005(2), the City Of Madison hereby retains a Public Street and Utility Easement within a portion the public right-of-ways being vacated and discontinued as shown on attached Exhibit A and described on attached Exhibit C. The easement areas shall remain in force until terminated by the City of Madison by a separate instrument recorded at the Dane County Register of Deeds; and

**BE IT FURTHER RESOLVED**, under Section 66.1005(1), Wisconsin Statutes, reversionary rights of the public right-of-ways herein vacated and discontinued shall attach to the adjacent properties, all currently being owned by the City of Madison; and

**BE IT FINALLY RESOLVED**, upon Common Council adoption of this resolution and completion all street vacation and discontinuance conditions identified above to the satisfaction of the City Engineer, the City Engineer will then authorize the City Clerk to validate and make effective this street vacation and discontinuance by recording it with all supplemental map exhibits 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.