



## Legislation Text

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**File #:** 03746, **Version:** 1

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### Fiscal Note

This transfer of 5,286 sq. ft. of vacated public alley right-of-way to adjoining landowners to facilitate future development of the site. No expenditure of City funds is required.

### Title

Vacating a portion of unimproved public alley right-of-way dedicated by, and located within, Block 2, Wingra Heights plat. Portion to be vacated is adjacent to Lots 5 through 10 (inclusive), Block 2, Wingra Heights plat, being located in part of the Northeast ¼ of the Northeast 1/4 of Section 27, Town 07 North, Range 09 East, City of Madison, Dane County, Wisconsin. (13th AD)

### Body

**WHEREAS**, the Plat of "Wingra Heights" was recorded May 1, 1895 in Volume 1 of Plats on Page 26 as Document No. 205817, Dane County Registry; and

**WHEREAS**, the Plat of "Wingra Heights" dedicated a fifteen (15) feet public alley parallel with and adjacent to the south line of Block Two (2); and

**WHEREAS**, St. Marys Hospital Medical Center is the owner of all abutting properties, with legal reversionary interest, of the proposed public alley vacation area; and

**WHEREAS**, St. Marys Hospital Medical Center, the owner of all abutting properties, petitioned the City of Madison on May 15, 2006, to vacate/discontinue a portion of public alley; and

**WHEREAS**, that petition to vacate/discontinue a portion of public alley is part of this File I.D. matter; and

**WHEREAS**, the proposed public alley vacation is requested to facilitate a proposed Arboretum Cohousing Inc. PUD Development Plan submitted to the City of Madison for approval at 1135 Erin Street; and

**WHEREAS**, the proposed Arboretum Cohousing Inc. PUD Development Plan for 1135 Erin Street is scheduled for City of Madison approval at the Common Council meeting of June 6, 2006 as File I.D. No. 03425; and

**WHEREAS**, if the proposed Arboretum Cohousing Inc. PUD Development Plan for 1135 Erin Street is approved by the City of Madison at the Common Council meeting of June 6, 2006, Arboretum Cohousing Inc. plans to purchase lands from St Marys in September to facilitate the project; and

**WHEREAS**, City of Madison Engineering Division has created Project No. 53W0377-Public Alley Vacation-Wingra Heights, Block 2; and

**WHEREAS**, the City Of Madison has not improved the proposed vacated public alley area with pavement, nor does the City have plans for future public improvements within the proposed vacated/discontinued public alley lands; and

**WHEREAS**, the City Of Madison has records of improved pavement area, east of the proposed vacated area, west to South mills Street; and

**WHEREAS**, this existing improved public alley area, east of the proposed vacated area, will remain public alley and open to public use; and

**WHEREAS**, the City Of Madison does not have any existing public facilities (sanitary sewer, storm sewer or water main) within the proposed vacated/discontinued public alley lands; and

**NOW THEREFORE BE IT RESOLVED**, that the City Of Madison hereby conditionally discontinues and vacates the

portion of public alley under WI Ss 66.1003(2) as shown on attached map and legal descriptions; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, under Section 80.32(4), Wisconsin Statutes, any easements or incidental rights within the vacated public alley, with the exception of City of Madison, are perpetuated unless released as part of this vacation;

**NOW THEREFORE BE IT FURTHER RESOLVED**, under Section 66.1005(1), Wisconsin Statutes, reversionary rights of the vacated public alley are attached entirely to the adjacent platted Lots 5 through 10 (inclusive), Block 2, Wingra Heights to the north because it has been ascertained that the entire public alley was dedicated by the Wingra Heights plat and originally belonged to those lands. No reversionary rights exist to St Marys land south of this alley (Lot 1, CSM 11315); and

**NOW THEREFORE BE IT FURTHER RESOLVED**, following adoption of this resolution and the planned real estate closing from St Marys to Arboretum Cohousing Inc., John Merrill, President Arboretum Cohousing Inc, as owner agent will request that the City of Madison Assessor's Office combine all of the following City of Madison Parcel Identification Numbers, into one (1) parent parcel:

251/0709-271-0108-3	251/0709-271-0109-1	251/0709-271-0110-8
251/0709-271-0111-6	251/0709-271-0112-4	251/0709-271-0113-2
251/0709-271-0114-0	251/0709-271-0115-8	251/0709-271-0116-6
251/0709-271-0117-4	251/0709-271-0118-2	251/0709-271-0119-0
251/0709-271-0120-7	251/0709-271-0121-5	

**NOW THEREFORE BE IT FURTHER RESOLVED**, that the City Clerk validate this street vacation by recordation with the Dane County Register of Deeds.