



## Legislation Details (With Text)

<b>File #:</b>	28094	<b>Version:</b>	1	<b>Name:</b>	Vacation/Discontinuance of River Birch Court from Trappers Trail / Big Stone Trail to the eastern terminus as platted by the Eighth Addition to Blackhawk Subdivision.
<b>Type:</b>	Resolution	<b>Status:</b>	Passed		
<b>File created:</b>	10/22/2012	<b>In control:</b>	BOARD OF PUBLIC WORKS		
<b>On agenda:</b>	12/11/2012	<b>Final action:</b>	12/11/2012		
<b>Enactment date:</b>	12/12/2012	<b>Enactment #:</b>	RES-12-00928		
<b>Title:</b>	Vacation/Discontinuance of River Birch Court from Trappers Trail / Big Stone Trail to the eastern terminus as platted by the Eighth Addition to Blackhawk Subdivision, being located in part of the Southwest one-quarter (1/4), of the Southwest one-quarter (1/4) of Section 16, Town 7 North, Range 8 East, City of Madison, Dane County, Wisconsin. (9th AD)				
<b>Sponsors:</b>	Paul E. Skidmore				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Letter of Intent.pdf, 2. River Birch Court Vacation Exhibit .pdf, 3. River Birch Court Vacation Description.pdf, 4. LOT CONSOLIDATION CSM Sheet 1.pdf, 5. LOT CONSOLIDATION CSM Sheet 2.pdf, 6. LOT CONSOLIDATION CSM Sheet 3.pdf, 7. SITE PLAN.pdf, 8. Maps.pdf, 9. Staff Comments.pdf, 10. Link CSM File 28467, 11. PC Registrations 120312.pdf, 12. Certified copy				

Date	Ver.	Action By	Action	Result
12/11/2012	1	COMMON COUNCIL	Adopt	Pass
12/3/2012	1	PLAN COMMISSION	Return to Lead with the Recommendation for Approval	Pass
11/7/2012	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
11/4/2012	1	BOARD OF PUBLIC WORKS	Referred	
10/30/2012	1	COMMON COUNCIL	Referred	Pass
10/22/2012	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.

### Title

Vacation/Discontinuance of River Birch Court from Trappers Trail / Big Stone Trail to the eastern terminus as platted by the Eighth Addition to Blackhawk Subdivision, being located in part of the Southwest one-quarter (1/4), of the Southwest one-quarter (1/4) of Section 16, Town 7 North, Range 8 East, City of Madison, Dane County, Wisconsin. (9th AD)

### Body

**WHEREAS**, River Birch Court was dedicated to the public per the approved subdivision plat of Eighth Addition to Blackhawk Subdivision which was recorded August 11, 2006 in Volume 59-017B, Pages 91 and 92, as Document No. 4224175 Dane County Registry; and

**WHEREAS**, the Developer, McKenzie 300 Corporation has submitted a Letter of Intent dated October 16, 2012 as well as proposed site plans to the City Planning Division to redevelop portions of Eighth Addition to Blackhawk Subdivision by consolidating seven (7) existing platted R1 single family lots and vacated River Birch Court into two (2) lots by Certified Survey Map that are stated to remain zoned as R1 in the Developer Letter of Intent; and

**WHEREAS**, Mead & Hunt, the Civil Engineering / Surveying consultant for the Developer, has prepared the necessary map and legal description exhibits, "River Birch Court Vacation Exhibit" and "River Birch Court Vacation Description", which are attached hereto and made part of this resolution; and

**WHEREAS**, if the concurrent redevelopment proposal submitted by the Developer is approved by the Common Council, City Engineering supports the vacation of River Birch Court as submitted; and

**WHEREAS**, if the concurrent redevelopment proposal and the vacation of River Birch Court are both approved by the Common Council, the Developer shall then proceed to gain all necessary approvals to record the proposed consolidation by Certified Survey Map; and

**WHEREAS**, the Developer shall also enter into a Private Development Agreement with the City of Madison (administered by the Engineering Division) to properly reconstruct any public street and utility infrastructure as a result from their River Birch Court street vacation request and redevelopment proposal.

**NOW THEREFORE BE IT RESOLVED**, that the City Of Madison hereby conditionally discontinues and vacates River Birch Court from Trappers Trail / Big Stone Trail to the eastern terminus as platted by the Eighth Addition to Blackhawk Subdivision, under WI Ss 66.1003(2); and

**NOW THEREFORE BE IT RESOLVED**, the Mead & Hunt prepared exhibits attached hereto and made part of this resolution which depict the vacation area, upon adoption of this resolution, shall be recorded by the City Clerk with a certified copy of the resolution with the Dane County Register of Deeds; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, under Section 80.32(4), Wisconsin Statutes, any existing recorded public 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, existing public storm sewer and drainage, sanitary sewer, water main and any potential future need for re-establishment of public street; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, under Section 66.1005(1), Wisconsin Statutes, reversionary rights of vacated River Birch Court public right-of-way will attach entirely to the adjacent properties, all owned by McKenzie 300 Corporation, which will then be re-platted by Certified Survey Map; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, following adoption of this resolution and the City Clerk recording said resolution with the Dane County Register of Deeds, effectively conveying title of the vacated street right-of-ways to abutting properties, the City of Madison Assessor's Office will include the vacated lands with the adjacent properties; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, upon appropriate City approvals and Common Council adoption of both the proposed redevelopment plan and street vacation resolutions, all supplemental exhibits made part of this street vacation resolution shall be attached by the City Clerk to the final resolution and recorded with the Dane County Register of Deeds.

**NOW THEREFORE BE IT FINALLY RESOLVED**, if the concurrent redevelopment proposal and Certified Survey Map are not approved by the City and the final legal binding affect of recording the Certified Survey

Map with the Dane County Register of Deeds, this street vacation resolution shall then be placed on file without prejudice and considered void; and