



## Legislation Details (With Text)

<b>File #:</b>	38624	<b>Version:</b>	1	<b>Name:</b>	Relief from conditions of gifts and dedication per Section 66.1025(1) Wisconsin Statutes, of Outlots 10 and 13, Village at Autumn Lake for the replatting of the development, being located in the Southwest 1/4 of Section 26, Township 8 North, Range 10 East
<b>Type:</b>	Resolution	<b>Status:</b>			Passed
<b>File created:</b>	5/26/2015	<b>In control:</b>			BOARD OF PUBLIC WORKS
<b>On agenda:</b>	7/7/2015	<b>Final action:</b>			7/7/2015
<b>Enactment date:</b>	7/9/2015	<b>Enactment #:</b>			RES-15-00576
<b>Title:</b>	Relief from conditions of gifts and dedication per Section 66.1025(1) Wisconsin Statutes, of Outlots 10 and 13, Village at Autumn Lake for the replatting of the development, being located in the Southwest 1/4 of Section 26, Township 8 North, Range 10 East, City of Madison, Dane County, Wisconsin. (17th AD)				
<b>Sponsors:</b>	Samba Baldeh				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Exhibit A Outlot 10 and 13.pdf, 2. Exhibit B OL 10 and 13 Legal.pdf, 3. Village at Autumn Lake Cond Approval Letter.pdf				

Date	Ver.	Action By	Action	Result
7/7/2015	1	COMMON COUNCIL	Adopt	Pass
6/17/2015	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
6/8/2015	1	PLAN COMMISSION	Return to Lead with the Recommendation for Approval	Pass
6/3/2015	1	BOARD OF PUBLIC WORKS	Refer	
6/2/2015	1	COMMON COUNCIL	Referred	Pass
5/26/2015	1	Engineering Division	Referred for Introduction	

### Fiscal Note

This relief from conditions of gifts and dedication, Outlots 10 and 13, Village at Autumn Lake containing 420,813 sq. ft. or 9.6605 acres of area does not require expenditure of City funds.

### Title

Relief from conditions of gifts and dedication per Section 66.1025(1) Wisconsin Statutes, of Outlots 10 and 13, Village at Autumn Lake for the replatting of the development, being located in the Southwest 1/4 of Section 26, Township 8 North, Range 10 East, City of Madison, Dane County, Wisconsin. (17th AD)

### Body

**WHEREAS**, the plat of Village at Autumn Lake was conditionally approved by the City of Madison Common Council by Enactment Number RES-05-00955, File I.D. Number 02379, as adopted on the 29<sup>th</sup> of November, 2005 and the said Enactment provided for the acceptance of the lands dedicated to the public as Outlot 10 for Stormwater Conveyance and Pedestrian Path purposes and also Outlot 13 for Stormwater Management and Pedestrian Path purposes; and

**WHEREAS**, the plat of Village at Autumn Lake was subsequently recorded upon the satisfaction of the conditions of approval on the 30<sup>th</sup> of March, 2006 in Volume 59-005B of Plats on pages 20-39, as Document Number 4175683, Dane County Register of Deeds; and

**WHEREAS**, MREC VH Madison Investors, LLC (developer) made an application with the Department of Planning & Community & Economic Development, to change the zoning of the development and revise the subdivision layout to better position the development with current market conditions and adapt the development to match the products offered by the developer. The rezoning of the development has been conditionally approved by the City of Madison Common Council by Enactment Number ORD-15-00053, File I.D. Number 37285, as adopted on the 19<sup>th</sup> of May, 2015; and

**WHEREAS**, MREC VH Madison Investors, LLC (developer) made an application with the Department of Planning & Community & Economic Development, for the review and approval a preliminary and final plat replatting the majority of the plat of Village at Autumn Lake in conjunction with the proposed zoning application; and

**WHEREAS**, the Village at Autumn Lake Replat preliminary plat and final plat have been conditionally approved by the City of Madison Common Council by Enactment Number RES-15-00467, File I.D. Number 37002, as adopted on the 19<sup>th</sup> of May, 2015, said Enactment provides the City of Madison to consider a resolution, as provided by Section 66.1025(1) of the Wisconsin Statutes, approving a relief from conditions of gifts and dedication for the lands dedicated to the public as described in attached Exhibit B and convey those described lands back to the dedicator (or the heirs of the dedicator) for replatting; and

**WHEREAS**, the conditionally approved Village of Autumn Lake Replat alters the configuration of the lands dedicated to the public described in attached Exhibit B, therefore the configuration of the replat requires the said described lands be relieved from the conditions of gifts and dedication and conveyed back to the dedicator (or the heirs of the dedicator) for replatting; and

**WHEREAS**, the configuration of the conditionally approved Village of Autumn Lake Replat and the conditions of approval thereof will provide the required and necessary areas to be dedicated to the public for public stormwater management facilities and public pedestrian paths within the replat; and

**WHEREAS**, D'Onofrio Kottke and Associates Inc., has prepared maps (Exhibit A) and legal description (Exhibit B) delineating the areas to be relieved from the conditions of gifts and dedication and conveyed to the dedicator (or the heirs of the dedicator), which are attached hereto and made part of this resolution; and

**WHEREAS**, the City Engineering Division recommends approval of the relief from conditions of gifts and dedications and the conveyance of said lands described in attached Exhibit B for replatting as part of the conditions of approval for the Village at Autumn Lake Replat, subject to conditions as noted herein.

**NOW THEREFORE BE IT RESOLVED**, that since the current dedication of the lands shown on Exhibit A and described in attached Exhibit B are impracticable due to the conditionally approved Village of Autumn Lake Replat, the City of Madison hereby relieves the lands from all existing conditions of gifts and dedications encumbering the lands and shall convey those lands to the dedicator (or the heirs of the dedicator), the lands being shown and described on the attached maps (Exhibit A) and legal description (Exhibit B), under Wisconsin ss.66.1025(1), upon completion of the following conditions:

- MREC VH Madison Investors, LLC (developer) shall enter into any agreement(s) required by the City of Madison in conjunction with the approval of the proposed development.
- The conditions of approval for the preliminary and final plat shall be addressed to the satisfaction of the City of Madison Engineer.

**BE IT FINALLY RESOLVED**, upon Common Council adoption of this resolution and completion the conditions identified above to the satisfaction of the City Engineer, the City Engineer shall then authorize the City Of Madison Office of Real Estate Services Division of the Economic Development Division make effective this

Relief From Conditions of Gifts and Dedication by recording an appropriate deed conveying the lands to the dedicator (or the heirs of the dedicator) as shown and described on the attached maps (Exhibit A) and legal description (Exhibit B) with the Dane County Register of Deeds.