



Legislation Text

File #: 28939, **Version:** 2

Fiscal Note

No fiscal impact.

Title

SUBSTITUTE Authorizing an exchange of lands between the City of Madison and Cherokee Park, Inc., to correct title to a portion of Cherokee Marsh North and a portion of Cherokee Golf Course.

Body

On June 06, 2008, the City of Madison (the "City") purchased Outlot 1 of Certified Survey Map ("CSM") No. 12439 and Outlot 1 of CSM No.12293 (collectively, the "2008 Purchase"). Subsequent field work by City of Madison Parks Department and Cherokee Park, Inc. ("CPI") revealed that a portion of CPI's golf course lands were encroaching into the lands purchased by the City. During discussions to correct the problem, the City agreed to convey the golf course lands back to CPI in exchange for the conveyance of a portion of Lot 1 of CSM No. 12293 that was not conveyed during the 2008 Purchase.

CSM No. 12879, recorded on March 29, 2010 as Doc. No. 4644449 was created to establish the correct the boundaries between the City lands and CPI lands, in anticipation of the exchange of future conveyances to correct ownership interests and to clarify record title between the City and CPI within said CSM the boundary of CSM No. 12879.

On April 21, 2010, the City purchased Outlot 2 of CSM No. 12879, with CPI retaining ownership to Outlot 4 of CSM No. 12879. At this point, the boundaries and ownership interests were correct, with the exception of the agreed upon exchange between the City and CPI for the encroaching golf course lands and a portion of the lands located in Lot 1 CSM No. 12293 lands.

After the exchange, the corrected ownerships will correspond with the Outlot boundaries established in CSM No. 12879, with the City owning Outlots 1 and 2 and CPI owning Outlots 3 and 4 of CSM No. 12879. These corrected ownership interests and CSM boundaries are legally described in attached Exhibit A and depicted in a map attached as Exhibit B.

The lands included in the 2008 Purchase were conveyed to the City, subject to certain interests in the form of a deed restriction. It is required that these interests be retained and/or released within the appropriate lands when the quit claim deeds are exchanged.

NOW, THEREFORE BE IT RESOLVED that the Common Council of the City of Madison authorizes the acceptance of a quit claim deed from Cherokee Park, Inc. for all rights, title and interest Cherokee Park, Inc. may have in Outlots 1 and 2 of CSM No. 12879, as legally described in attached Exhibit A and depicted on attached Exhibit B.

BE IT FURTHER RESOLVED that the Common Council of the City of Madison authorizes the execution of a quit claim deed to Cherokee Park, Inc. for all rights, title and interest the City may have in Outlots 3 and 4 of CSM No. 12879, as legally described in attached Exhibit A and depicted on attached Exhibit B; however,

reserving any rights the City has in any recorded public utility easements.

BE IT FURTHER RESOLVED that by acceptance of the quit claim deed from Cherokee Park, Inc., the City of Madison, for itself and its successors and assigns, hereby covenants and agrees not to convey, sell, lease, assign or mortgage the premises herein described or convert it to uses that are inconsistent with the Wisconsin Department of Natural Resources Stewardship Program described in Chapter 23 of Wisconsin Statutes, Chapter NR 51 of Wisconsin Administrative Code, Stewardship Grant and Management Contract Number HA2-108, and without prior written approval of the Secretary of the Department of Natural Resources, his designee, or any successor.

BE IT FURTHER RESOLVED that prior to acceptance of the quit claim deed from the City of Madison, Cherokee Park, Inc. will require the above deed restriction to be released.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized to execute any and all documents necessary to facilitate the exchange of quit claim deeds and release of deed restriction in an effort to correct record title to the lands within CSM No. 12879.

EXHIBIT A

Legal Descriptions

Lands to be Quit Claimed from Cherokee Park, Inc. to the City of Madison:

Outlot 1 and 2, Certified Survey Map No. 12879, recorded March 29, 2010 with the Dane County Register of Deeds as Document No. 4644449.

Lands to be Quit Claimed from the City of Madison to Cherokee Park, Inc.:

Outlot 3 and 4, Certified Survey Map No. 12879, recorded March 29, 2010 with the Dane County Register of Deeds as Document No. 4644449.

EXHIBIT B ATTACHED