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DANE COUNTY

REGISTER OF DEEDS

DOCUMENT #

4434930

05/28/2008

10:58AM

Exempt #:

Rec. Fee: 17.00

Pages: 4

RESOLUTION

Use black Ink

At the (City) / Village / Town) of Madison

Circle one

official meeting held on May 20, 2008, the following resolution was adopted concerning land in Dane County described as: See Attached

(Give the legal description of the affected property or, if attached, say "see attached")

Vacating a portion of unimproved Wheeler Road right-of-way from existing improved Wheeler Road.

File #: 09559

Resolution #: RES-08-00494

A copy of the resolution is attached.

Recording area

Name and return address:

City Clerk of Madison
210 Martin Luther King Jr. Blvd
Room 103
Madison, WI 53703

PARCEL IDENTIFICATION NUMBER*
(*Not required for road right of ways)

Maribeth Witzel-Behl

Signature of City/Village/Town official

May 28, 2008

Date

Name printed

Title

STATE OF WISCONSIN, County of DANE

Subscribed and sworn to before me on May 28, 2008 by the above named person(s)

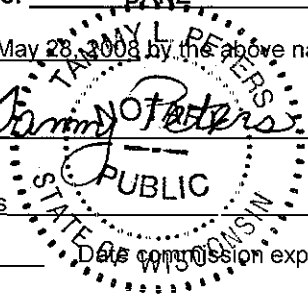
Signature of notary or other person authorized to administer an oath
(as per s 706.06, 706.07)

Tammy Peters

Print or type name: Tammy Peters

Title Program Assistant 2

Date commission expires: 6-7-09



This document was drafted by:
(print or type name below)
Tammy L. Peters

Names of persons signing in any capacity must be typed or printed below their signature.
DCROD 3/1/2002

4/17



City of Madison

City of Madison
Madison, WI 53703
www.cityofmadison.com

Certified Copy

Resolution: RES-08-00494

File Number: 09559

Enactment Number: RES-08-00494

Vacating a portion of unimproved Wheeler Road right-of-way from existing improved Wheeler Road to the southerly prolongation of the westerly line of Lot Eleven (11), 1st Addition to Cherokee Park being located in part of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ and part of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 24, Town 08 North, Range 09 East, City of Madison, Dane County, Wisconsin.

WHEREAS, the Plat of "Cherokee Park" was recorded in the Town of Westport on February 25, 1966 in Volume 31 of Plats on Pages 20 and 21 as Document No. 1154806, Dane County Registry; and

WHEREAS, the Plat of "Cherokee Park" dedicated 120 feet of Wheeler Road right-of-way to the Town of Westport north of the existing Wheeler Road; and

WHEREAS, the City of Madison annexed this property as part of a larger annexation area from the Town of Westport per Ordinance No. 2010, File No. 5046-142, adopted March 24, 1966; and

WHEREAS, Wheeler Road was planned in the mid-1960's for relocation to the north between Delaware Boulevard and Comanche Way / Wyoming Way; and

WHEREAS, the proposed Wheeler Road relocation to the north between Delaware Boulevard and Comanche Way / Wyoming Way was never approved nor improved; and

WHEREAS, the City Of Madison has existing public sanitary sewer and significant public storm water surface drainage within the proposed vacated/discontinued Wheeler Road lands; and

NOW THEREFORE BE IT RESOLVED, the City of Madison retains a public storm water drainage easement within the vacated/discontinued Wheeler Road lands as there is significant public storm water surface drainage currently being discharged into this vacated/discontinued public right-of-way land area. Cherokee Park Inc. may request the City release this public easement if they were to provide alternative storm water drainage measures as part of their proposed development plan for this immediate area satisfactory to the City Engineer

NOW THEREFORE BE IT FURTHER RESOLVED, that the City Of Madison retains a 20 feet wide exclusive public sanitary sewer easement for the existing public sanitary sewer over the southerly 20 feet of the vacated Wheeler Road area; and

NOW THEREFORE BE IT FURTHER RESOLVED, if additional public sanitary sewer easement is required south of the proposed vacated area, then Cherokee Park Inc., or the current owner of record, shall convey the necessary easements to the City of Madison, or relocate these public facilities as approved by the City Engineer, solely at the owner's expense; and

NOW THEREFORE BE IT FURTHER RESOLVED, that the City Of Madison hereby conditionally discontinues and vacates the portion of Wheeler Road under WI Ss 66.296(2) as mapped and described on attached "STREET VACATION MAP"; and

NOW THEREFORE BE IT FURTHER RESOLVED, under Section 80 32(4), Wisconsin Statutes, any easements or incidental rights within the vacated Wheeler Road, are perpetuated unless released as part of this vacation;

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

PUBLIC HEARING NOTICE MAILING LIST:

House Number 5102
Street Dir
Street Name COMANCHE
Street Type WAY
Zip Code 53704
Land Parcel Num 080924302013
Owner Name 1 HALBERG, RICHARD B
Owner Name 2 & SARA L HALBERG
Owner Address 5102 COMANCHE WAY
Owner City MADISON
Owner State WI
Owner Zip 53704

House Number 1302
Street Dir
Street Name WHEELER
Street Type RD
Zip Code 53704
Land Parcel Num 080924301015
Owner Name 1 CHEROKEE PARK INC
Owner Name 2
Owner Address 13 CHEROKEE CIR # 101
Owner City MADISON
Owner State WI
Owner Zip 53704

I, Maribeth Witzel-Behl, certify that this is a true copy of Resolution No. 09559, passed by the COMMON COUNCIL on 5/20/2008.

Maribeth Witzel-Behl
Maribeth Witzel-Behl

5/28/08
Date Certified

NOTE: Please be advised that the document grantor(s) hereby direct viewers to ignore the printed text material on this exhibit. Only the spatial relationships of the illustrations on the plan are being presented for your information.

Signed by grantor(s) or grantor's(s') agent: Maribeth Witzel-Behl Date: 5-28-08 (USE BLACK INK ONLY)

Name of grantor(s) or grantor's(s') agent printed: Maribeth Witzel-Behl (USE BLACK INK ONLY)

