



Birchwood Point Vacation

Document Number

Document Title

KRISTI CHLEBOWSKI
DANE COUNTY
REGISTER OF DEEDS

DOCUMENT #
5542406
11/20/2019 01:54 PM
Trans Fee:
Exempt #:
Rec. Fee: 30.00
Pages: 12

This is to certify that the foregoing resolution was adopted by the Common Council of the City of Madison, Wisconsin at a meeting held on the 19th day of November, 2019. A copy of the resolution is attached.

Discontinuing and vacating multiple public unimproved street right-of-ways within the plat of Southern Addition to Birchwood Point Resolution 19-00758
ID#: 57541

Recording Area

Name and Return Address

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

Parcel Identification Number (PIN)

November 20, 2019

Date

Signature of Clerk

James Verbick, Deputy City Clerk

*Name printed

Date

n/a

Signature of Grantor

*Name printed

STATE OF WISCONSIN, County of Dane

This document was drafted by:
(print or type name below)

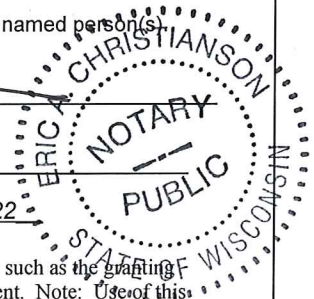
Eric Christianson

Subscribed and sworn to before me on November 20, 2019 by the above named person(s).

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

Print or type name: Eric Christianson

Title: Certified Municipal Clerk Date commission expires: 3/27/2022



*Names of persons signing in any capacity must be typed or printed below their signature.

This information must be completed by submitter: document title, name & return address, and PIN (if required). Other information such as the granting clauses, legal description, etc., may be placed on this first page of the document or may be placed on additional pages of the document. Note: Use of this cover page adds one page to your document and \$2.00 to the recording fee. Wisconsin Statutes, 59.43(2m). USE BLACK INK. WRDA 5/1999



City of Madison

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

Master

File Number: 57541

File ID: 57541

File Type: Resolution

Status: Passed

Version: 1

Reference:

Controlling Body: Engineering Division

File Created Date : 09/19/2019

File Name: Discontinuing and vacating multiple public unimproved street right-of-ways within the plat of Southern Addition to Birchwood Point to allow the replatting of a portion the development, being located in the SE 1/4 of the SE 1/4 of Sec 29, T7N R8E, City of

Final Action: 11/19/2019

Title: Discontinuing and vacating multiple public unimproved street right-of-ways within the plat of Southern Addition to Birchwood Point to allow the replatting of a portion the development, being located in the Southeast 1/4 of the Southeast 1/4 of Section 29, Township 7 North, Range 8 East, City of Madison, Dane County, Wisconsin. (9th AD)

Notes: Jeff Q.

CC Agenda Date: 11/19/2019

Agenda Number: 7.

Sponsors: Paul E. Skidmore

Effective Date:

Attachments: Locator_Map.pdf, Exhibit_A.pdf, Exhibit_B.pdf, Notice_of_Lis_Pendens_S_Addn_Birchwood_B000705.pdf, Vicinity_Map_Discontinuances.pdf

Enactment Number: RES-19-00758

Author: Rob Phillips, City Engineer

Hearing Date: 11/19/2019

Entered by: mhacker@cityofmadison.com

Published Date:

Approval History

Version	Date	Approver	Action
1		Laura Larsen	Approve

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Engineering Division	09/19/2019	Referred for Introduction				
	Action Text:	This Resolution was Referred for Introduction					
	Notes:	Board of Public Works (10/16/19), Plan Commission (10/14/19), Council Meeting Public Hearing (11/19/19)					

1	COMMON COUNCIL	10/01/2019	Refer	BOARD OF PUBLIC WORKS	10/16/2019	Pass
	Action Text:	A motion was made by Bidar, seconded by Harrington-McKinney, to Refer to the BOARD OF PUBLIC WORKS. The motion passed by voice vote/other.				
	Notes:	Additional referral to Plan Commission.				
1	BOARD OF PUBLIC WORKS	10/01/2019	Refer	PLAN COMMISSION	10/14/2019	
	Action Text:	This Resolution was Refer to the PLAN COMMISSION				
	Notes:					
1	PLAN COMMISSION	10/14/2019	Return to Lead with the Recommendation for Approval	BOARD OF PUBLIC WORKS	10/16/2019	Pass
	Action Text:	A motion was made by Rewey, seconded by Cantrell, to Return to Lead with the Recommendation for Approval to the BOARD OF PUBLIC WORKS. The motion passed by voice vote/other.				
	Notes:					
1	BOARD OF PUBLIC WORKS	10/16/2019	RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING			Pass
	Action Text:	A motion was made by Ald. Furman, seconded by Branson, to RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING. The motion passed by voice vote/other.				
	Notes:					
1	COMMON COUNCIL	11/19/2019	Adopt and Close the Public Hearing			Pass
	Action Text:	A motion was made by Bidar, seconded by Harrington-McKinney, to Adopt and Close the Public Hearing. The motion passed by voice vote/other.				
	Notes:					

Text of Legislative File 57541

Fiscal Note

This vacation and discontinuance of approximately 79,779 sq. ft. or 1.8315 acres of unimproved public street right-of-ways within the plat of First Addition to 1000 Oaks to allow the replatting of a portion the development does not require expenditure of City funds.

Title

Discontinuing and vacating multiple public unimproved street right-of-ways within the plat of Southern Addition to Birchwood Point to allow the replatting of a portion the development, being located in the Southeast 1/4 of the Southeast 1/4 of Section 29, Township 7 North, Range 8 East, City of Madison, Dane County, Wisconsin. (9th AD)

Body

WHEREAS, the plat of Southern Addition to Birchwood Point was conditionally approved by the City of Madison Common Council by Enactment Number RES-18-00303, File I.D. Number 50229, as adopted on the 10th of April, 2018 and the said Enactment provided for the acceptance of the lands dedicated for public street right-of-ways; and

WHEREAS, the plat of Southern Addition to Birchwood Point was subsequently recorded upon the satisfaction of the conditions of approval on the 5th of September, 2018 in Volume 60-098A of Plats on pages 537 - 542, as Document Number 5439003, Dane County Register of Deeds; and

WHEREAS, an application was made with the Department of Planning & Community & Economic Development for a preliminary and final plat of Western Addition to 1000 Oaks to

replat a portion of the plat of Southern Addition to Birchwood Point to reconfigure the lots, Outlots and streets in a more efficient manner within the proposed replat area along with adjacent lands acquired by the Developer; and

WHEREAS, the said plat of Western Addition to 1000 Oaks was conditionally approved by the City of Madison Common Council by Enactment Number RES-19-00508, File I.D. Number 55906, as adopted on the 2nd of July, 2019; and

WHEREAS, the conditionally approved Western Addition to 1000 Oaks will alter areas dedicated to the public for public street right-of-way, and the replat may not be recorded until those areas dedicated to the public for street right-of-way by the Southern Addition to Birchwood Point have been properly vacated and discontinued under s. 66.1003 Wisconsin Statutes; and

WHEREAS, portions of the unimproved public right-of-ways of Old Timber Pass and Sweet Willow pass dedicated by the plat of Southern Addition to Birchwood Point are to be vacated and discontinued. D'Onofrio Kottke and Associates Inc. and City of Madison Engineering Division, have prepared the necessary public right-of-way vacation and discontinuance map (Exhibit A) and legal description (Exhibit B) delineating all of these areas to be discontinued, all Exhibits are attached hereto and made part of this resolution; and

WHEREAS, the City of Madison has existing public sanitary sewer improvements constructed in 2016 as part of the Lower Badger Mill creek Sanitary Sewer Interceptor Phase 3, Engineering Project No. 53W1773, within the public right-of-way of Old Timber Pass to be vacated and discontinued; and

WHEREAS, the current developer and owner have not constructed, nor has the City of Madison accepted any new public utilities or street improvements in conjunction with the Southern Addition to Birchwood Point within any of the public right-of-ways to be vacated and discontinued; and

WHEREAS, this vacation and discontinuance will not result in a landlocked parcel of property due to the current contiguous common ownership of the Lots of the plat of Southern Addition to Birchwood Point adjacent to this proposed vacation and discontinuance; and

WHEREAS, the City Engineering Division recommends approval of these public right-of-way vacations and discontinuances subject to conditions as noted herein.

NOW THEREFORE BE IT RESOLVED, that since the public interest requires it, the City Of Madison hereby conditionally vacates and discontinues the public right-of-ways as shown on attached maps and legal descriptions, under Wisconsin ss. 66.1003(4), upon completion of the following condition:

- The Developer of Western Addition to 1000 Oaks shall enter into any agreement(s) required by the City of Madison in conjunction with the approval of the proposed development of Western Addition to 1000 Oaks.
- The conditions of approval for the preliminary and final plat for the Western Addition to 1000 Oaks shall be addressed to the satisfaction of the City of Madison Engineer.

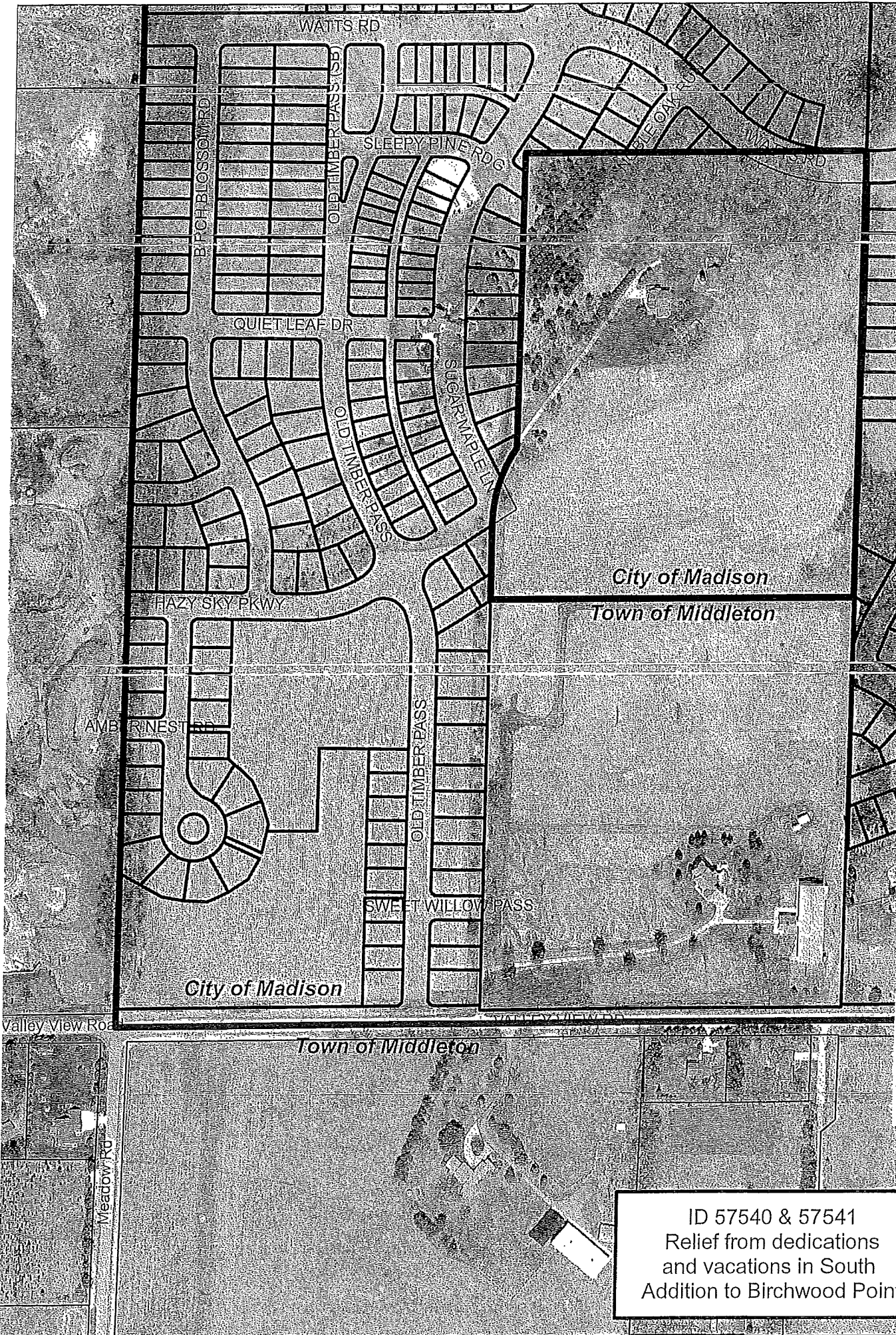
BE IT FURTHER RESOLVED, that under Wisconsin ss. 66.1005(2)(a) ,the City Of Madison

retains a Temporary Sanitary Sewer Easement over the area of this discontinuance. Upon the proposed plat of Western Addition to 1000 Oaks being recorded at the Dane County Register of Deeds and under Wisconsin ss. 66.1005(2)(a)(1), the said Temporary Sanitary Sewer Easement shall terminate without notice. Also, under Wisconsin ss. 66.1005(2)(a)(1) the City of Madison also releases any other easements and rights it may have within the public right-of-ways being vacated and discontinued; and

BE IT FURTHER RESOLVED, under Section 66.1005(2), Wisconsin Statutes, other than those easements and rights retained and released above, any other existing easements and rights that exist within the vacated and discontinued public right-of-ways and unpaved public alleys shall continue unless as otherwise provided by statute; and

BE IT FURTHER RESOLVED, under Section 66.1005(1), Wisconsin Statutes, reversionary rights of the public right-of-ways herein vacated and discontinued shall attach to the adjacent properties; and

BE IT FINALLY RESOLVED, upon Common Council adoption of this resolution and completion all street vacation and discontinuance conditions identified above to the satisfaction of the City Engineer, the City Engineer will then authorize the City Clerk to validate and make effective this street vacation and discontinuance by recording it with all supplemental map exhibits with the Dane County Register of Deeds, authorizing all City agencies to administer the appropriate workflows to complete and finalize all land record database updates.



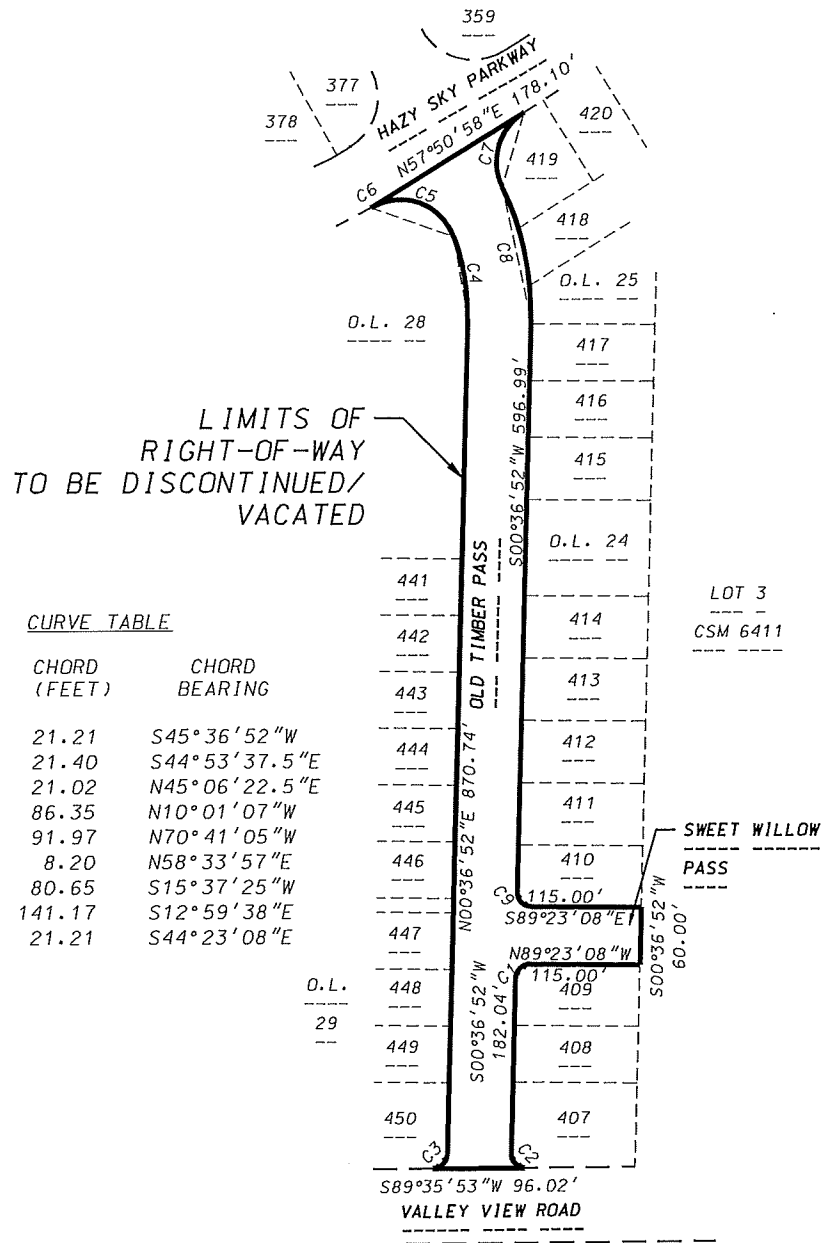
NOTE: PLEASE BE ADVISED THAT THE DOCUMENT GRANTOR(S) HEREBY DIRECT VIEWERS TO IGNORE THE PRINTED TEXT MATERIAL ON THIS MAP. ONLY THE SPATIAL RELATIONSHIPS OF THE ILLUSTRATIONS ON THE MAP ARE BEING PRESENTED FOR YOUR INFORMATION.

Signed by grantor(s) or grantor(s) agent: Maribeth Witzel-Behl
Name of grantor(s) or grantor(s) agent printed: Maribeth Witzel-Behl
Date: November 20, 2019

ID 57540 & 57541
Relief from dedications
and vacations in South
Addition to Birchwood Point



EXHIBIT "A"



CURVE TABLE

CURVE NUMBER	RADIUS (FEET)	CHORD (FEET)	CHORD BEARING
C1	15.00	21.21	S45°36'52"W
C2	15.00	21.40	S44°53'37.5"E
C3	15.00	21.02	N45°06'22.5"E
C4	234.00	86.35	N10°01'07"W
C5	60.00	91.97	N70°41'05"W
C6	328.00	8.20	N58°33'57"E
C7	60.00	80.65	S15°37'25"W
C8	300.00	141.17	S12°59'38"E
C9	15.00	21.21	S44°23'08"E

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Signed by grantor(s) or grantor(s) agent: Maribeth Witzel-Behl Date: November 20, 2019
 Name of grantor(s) or grantor(s) agent printed: Maribeth Witzel-Behl



D'ONOFRIO KOTTKE AND ASSOCIATES, INC.
 7530 Westward Way, Madison, WI 53717
 Phone: 608.833.7530 • Fax: 608.833.1089
 YOUR NATURAL RESOURCE FOR LAND DEVELOPMENT



0 200
 Scale 1" = 200'

DATE: 04-23-19
 F.N.: 18-07-115

EXHIBIT "B"

LEGAL DESCRIPTION OF PUBLIC STREETS TO BE DISCONTINUED

Sweet Willow Pass and a portion of Old Timber Pass, both dedicated public streets within, Southern Addition to Birchwood Point, recorded in Volume 60-098A of Plats on pages 537-542 as Document Number 5439003 Dane County Registry, located in the SE1/4 of the SE1/4 of Section 29, T7N, R8E, City of Madison, Dane County, Wisconsin to-wit:

Beginning at the Northeast corner of Lot 409, Southern Addition to Birchwood Point; thence N89°23'08"W, 115.00 feet to a point of curve; thence Southwesterly along a curve to the left which has a radius of 15.00 feet and a chord which bears S45°36'52"W, 21.21 feet; thence S00°36'52"W, 182.04 feet to a point of curve; thence Southeasterly along a curve to the left which has a radius of 15.00 feet and a chord which bears S44°53'37.5"E, 21.40 feet; thence S89°35'53"W, 96.02 feet to a point of curve; thence Northeasterly along a curve to the left which has a radius of 15.00 feet and a chord which bears N45°06'22.5"E, 21.02 feet; thence N00°36'52"E, 870.74 feet to a point of curve; thence Northwesterly along a curve to the left which has a radius of 234.00 feet and a chord which bears N10°01'07"W, 86.35 feet to a point of curve; thence Northwesterly along a curve to the left which has a radius of 60.00 feet and a chord which bears N70°41'05"W, 91.97 feet to a point of curve; thence Northeasterly along a curve to the left which has a radius of 328.00 feet and a chord which bears N58°33'57"E, 8.20 feet; thence N57°50'58"E, 178.10 feet to a point of curve; thence Southerly along a curve to the left which has a radius of 60.00 feet and a chord which bears S15°37'25"W, 80.65 feet to a point of reverse curve; thence Southerly along a curve to the right which has a radius of 300.00 feet and a chord which bears S12°59'38"E, 141.17 feet; thence S00°36'52"W, 596.99 feet to a point of curve; thence Southeasterly along a curve to the left which has a radius of 15.00 feet and a chord which bears S44°23'08"E, 21.21 feet; thence S89°23'08"E, 115.00 feet; thence S00°36'52"W, 60.00 feet to the point of beginning.

9 4 6 8 9 8
Tx:9056861

**NOTICE OF LIS PENDENS
Public Way Vacation and
Discontinuance**

State of Wisconsin, County of Dane

In the matter of the resolution of the Common Council of the City of Madison Vacating and Discontinuing the following:

Portions of the unimproved public right-of-ways of Old Timber Pass and Sweet Willow Pass, dedicated by the plat of Southern Addition to Birchwood Point, in the City of Madison, Dane County, Wisconsin.

KRISTI CHLEBOWSKI
DANE COUNTY
REGISTER OF DEEDS

DOCUMENT #
5523951
09/20/2019 12:17 PM
Trans Fee:
Exempt #:
Rec. Fee: 30.00
Pages: 3

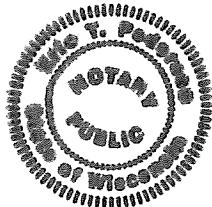
RETURN TO: City of Madison, Engineering
Division
210 Martin Luther King Jr. Blvd.
Room 115
Madison, WI 53703

Tax Parcel No.: None – Public Right-of-Ways

The vacation and discontinuances being located within the plat of Southern Addition to Birchwood Point, recorded in Volume 60-098A of Plats on pages 537 - 542, as Document Number 5439003, Dane County Register of Deeds, located in part of the SE ¼ of the SE ¼, Section 29, Township 7 North, Range 8 East, in the City of Madison.

TO WHOM IT MAY CONCERN, notice is hereby given that a resolution will be introduced to the Common Council of the City of Madison October 1st, 2019 and a public hearing scheduled at the Common Council Meeting of November 19th, 2019, for the purpose of vacating and discontinuing the public ways as shown on the attached Exhibit A and described on the attached Exhibit B in accordance with Subsections 66.1003(4), Wisconsin Statutes, by the City of Madison, Wisconsin.

Dated this 20th day of September, 2019.



CITY OF MADISON

By: [Signature]
Robert F. Phillips, City Engineer

State of Wisconsin)
)ss.
County of Dane)

Personally came before me this 20th day of SEPTEMBER, 2019, the above named Robert F. Phillips, City Engineer, of the City of Madison, and acting in said capacity and known by me to be the person who executed the foregoing instrument and acknowledged the same.

[Signature]
Notary Public, State of Wisconsin
ERIC T. PEDERSON
Print or Type Name
My Commission: EXP 10/11/2019

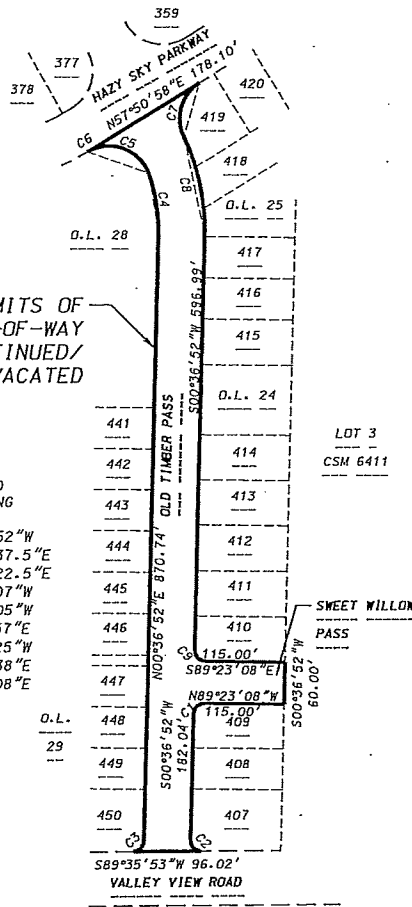
Drafted by the City of Madison, Engineering Division - Engineering Project No. B000705

EXHIBIT "A"

LIMITS OF
RIGHT-OF-WAY
TO BE DISCONTINUED/
VACATED

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Name of grantor(s) or grantor(s) agent printed: Maribeth Witzel-Behl

Date: November 20, 2019

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ID 57540 & 57541
 Relief from dedications
 and vacations in South
 Addition to Birchwood Point

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