

RESOLUTION



Use black ink

KRISTI CHLEBOWSKI
DANE COUNTY
REGISTER OF DEEDS

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

official meeting held on April 10, 2012, 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.")

Vacation/Discontinuance of a portion of Evan Acres Road
and a portion of Savannah Road.
(SEE ATTACHED)

File #: 25360
Resolution #: RES-12-00227

A copy of the resolution is attached.

DOCUMENT #

4931918

11/12/2012 2:35 PM

Trans. Fee:

Exempt #:

Rec. Fee: 30.00

Pages: 5

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)

Handwritten signature: Maribeth Witzel-Behl

Signature of City/Village/Town official November 12, 2012
Date

Maribeth Witzel-Behl
Name printed

City Clerk of Madison
Title

STATE OF WISCONSIN, County of DANE

Subscribed and sworn to before me on November 12, 2012 by the above named person(s).

Signature of notary or other person authorized
to administer an oath

Handwritten signature: Eric Christianson

(as per s. 706.06, 706.07)

This document was drafted by:
(print or type name below)
Eric A. Christianson

Print or type name: Eric A Christianson

Title Municipal Clerk 2 Date commission expires: 6-29-14

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

5



# City of Madison

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

## Certified Copy

Resolution: RES-12-00227

**File Number: 25360**

**Enactment Number: RES-12-00227**

Vacation/Discontinuance of a portion of Evan Acres Road and a portion of Savannah Road as platted in Blooming Grove Assessor's Plat No. 10, being located in the Northeast one-quarter (1/4) and the Southeast one-quarter (1/4) of Section 26, Town 7 North, Range 10 East, City of Madison, Dane County, Wisconsin. (16th AD)

**WHEREAS**, in September 1998 the City of Madison and Ho-Chunk Nation entered into an Intergovernmental Service and Development Agreement for the placement of the new Bingo Hall and Gaming Facility on tribe owned lands in this vicinity; and

**WHEREAS**, the 1998 Intergovernmental Service and Development Agreement, which is attached hereto and made part of this resolution, contained numerous recitals and terms relating to the construction of necessary public infrastructure to serve this proposed development; and

**WHEREAS**, necessary street improvements that were to be completed by the Ho-Chunk Nation for existing Mill Pond Road, Evan Acres Road and Savannah Road were included in said agreement; and

**WHEREAS**, the Ho-Chunk Nation completed the necessary street improvements in accordance Common Council approved plans and specifications within City Contract No. 5078 / Engineering Project No. 53B0037; and

**WHEREAS**, the proposed street improvements completed in accordance with Common Council approved plans and specifications within City Contract No. 5078 / Engineering Project No. 53B0037 included the relocation of the existing Evan Acres Road and Savannah Road intersection to improve vehicular traffic circulation within the development; and

**WHEREAS**, the agreement and contract required additional public right-of-way be dedicated by the Ho-Chunk Nation to the City of Madison to facilitate the relocation of Evan Acres Road and Savannah Road prior to public acceptance of these street improvements; and

**WHEREAS**, the Ho-Chunk Nation completed the public street improvements, dedicated the necessary right-of-way to the City of Madison per Document No. 3135154, and the City of Madison accepted these public improvements; and

**WHEREAS**, per the terms of the 1998 Agreement, upon satisfactory completion and public acceptance of these relocated street improvements, the City of Madison was to vacate resultant surplus Evan Acres Road and Savannah Road right-of-ways; and

**WHEREAS**, the Ho-Chunk Tribe legal counsel has recently brought to the attention of various city departments that this street vacation resolution contained within the supplemental conditions of the 1998 Intergovernmental Agreement had never been completed by the City; and

**WHEREAS**, the City Engineering Division has determined that the Ho-Chunk Nation has completed all public street and infrastructure improvements and satisfied all conditions required for the city to move forward with this street vacation; and

**NOW THEREFORE BE IT RESOLVED**, that the City Of Madison hereby conditionally discontinues and vacates the portions of Evan Acres Road and Savannah Road platted in Blooming Grove Assessor's Plat No. 10, being located in the Northeast one-quarter (1/4) and the Southeast one-quarter (1/4) of Section 26, Town 7 North, Range 10 East, City of Madison, Dane County, Wisconsin. under WI Ss 66.1003(2); and

**NOW THEREFORE BE IT RESOLVED**, attached metes and bounds legal description and Exhibit A map of street vacation area is attached hereto and made part of this resolution; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, under Section 80.32(4), Wisconsin Statutes, any existing 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 the vacated portions of Evan Acres Road and Savannah Road public right-of-ways will attach entirely to the adjacent Dane County owned properties; 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 currently owned by the Wisconsin Winnebago Tribe. The owner is to provide the City with Professional Land Surveyor prepared legal descriptions and maps of the intended reversionary interest desired by said owner; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, that all supplemental exhibits attached to Legistar and made part of this resolution shall be attached by the City Clerk to the final resolution that is to be recorded with the Dane County Register of Deeds.

**NOW THEREFORE BE IT FINALLY RESOLVED**, that the City Clerk shall not validate this street vacation by recordation with the Dane County Register of Deeds until instructed to do so by the City Engineer, following satisfaction of all street vacation conditional requirements; and

I, Maribeth Witzel-Behl, certify that this is a true copy of Resolution No. 12-00227, adopted by the Common Council on April 10, 2012.

Maribeth Witzel-Behl

11-12-2012

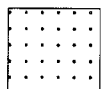
Date Certified

# STREET TO BE VACATED

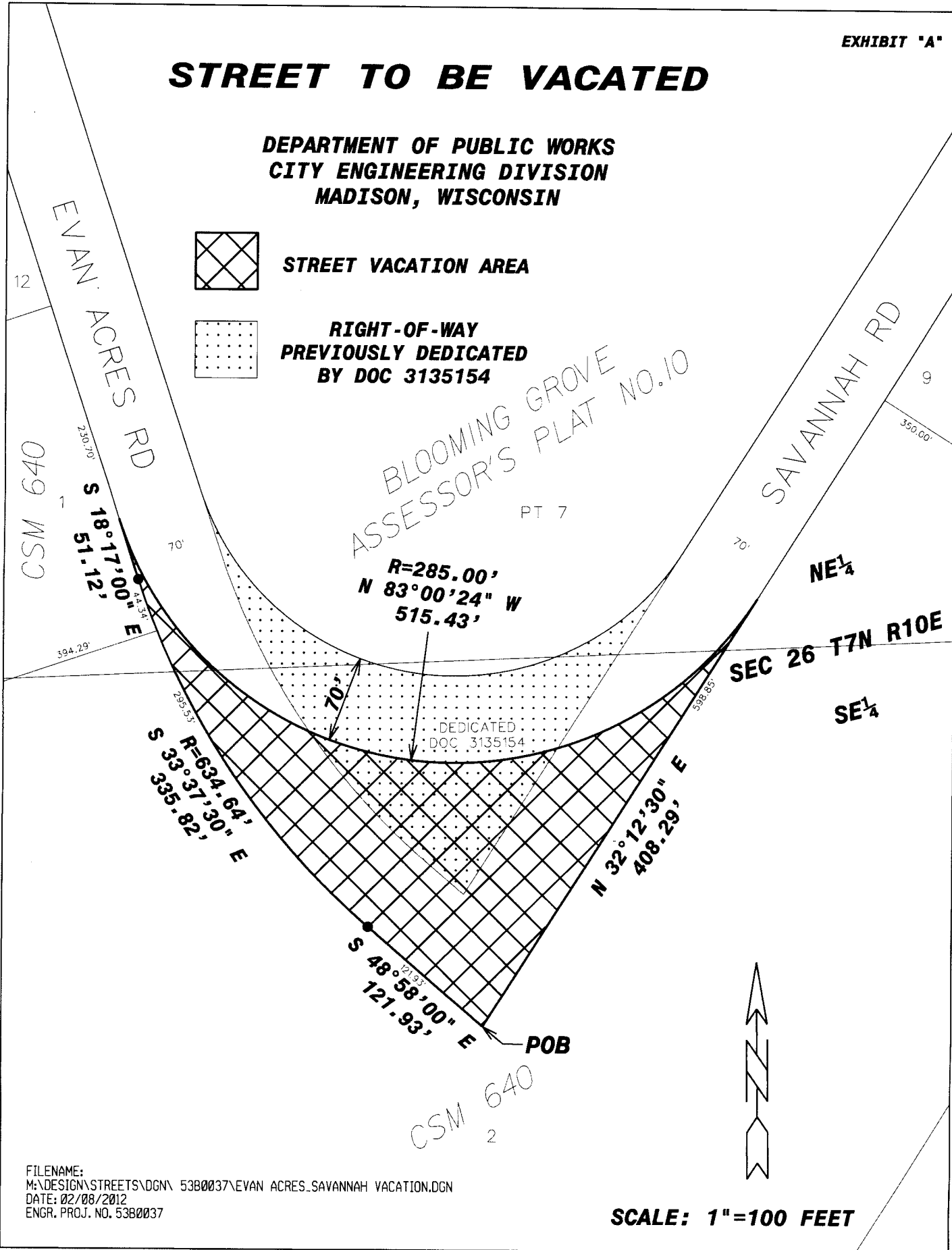
DEPARTMENT OF PUBLIC WORKS  
CITY ENGINEERING DIVISION  
MADISON, WISCONSIN



STREET VACATION AREA



RIGHT-OF-WAY  
PREVIOUSLY DEDICATED  
BY DOC 3135154



FILENAME:  
M:\DESIGN\STREETS\DGN\ 5380037\EVAN ACRES\_SAVANNAH VACATION.DGN  
DATE: 02/08/2012  
ENGR. PROJ. NO. 5380037

SCALE: 1"=100 FEET

# STREET TO BE VACATED

DEPARTMENT OF PUBLIC WORKS  
CITY ENGINEERING DIVISION  
MADISON, WISCONSIN

STREET VACATION AREA

RIGHT-OF-WAY  
PREVIOUSLY DEDICATED  
BY DOC 3135154

BLOOMING GROVE  
ASSESSOR'S PLAT NO. 10

PT 7

R=285.00'  
N 83°00'24" W  
515.43'

DEDICATED  
DOC 3135154

R=634.64'  
S 33°37'30" E  
335.82'

S 48°58'00"  
121.93'

N 32°12'30" E  
488.29'

SEC 26 T7N R10E

SE 1/4

POB

CSM 640

BE ADVISED THAT THE  
ILLUSTRATION ON THIS PAGE  
CAN NOT BE PRODUCED  
CLEARLY WHEN SCANNED

SCALE: 1"=100 FEET

FILED IN...  
RECORDED...  
INDEXED...  
MAY 19 1954