

RESOLUTION



8 7 4 9 9 0 1
Tx:8590923

KRISTI CHLEBOWSKI
DANE COUNTY
REGISTER OF DEEDS

DOCUMENT #
5089601
08/05/2014 4:28 PM
Trans. Fee:
Exempt #:
Rec. Fee: 30.00
Pages: 9

Use black ink

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

official meeting held on July 1, 2014, 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 Clymer Place.
(SEE ATTACHED)

File #: 34012
Resolution #: RES-14-0508

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

A copy of the resolution is attached.

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

Maribeth Witzel-Behl

Signature of City/Village/Town official _____ Date August 5, 2014

Name printed Maribeth Witzel-Behl

Title City Clerk of Madison

STATE OF WISCONSIN, County of DANE

Subscribed and sworn to before me on August 5, 2014 by the above named person(s).

Signature of notary or other person authorized to administer an oath

Eric A. Christianson

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

(as per s. 706.06, 706.07)
Print or type name: Eric Christianson
Title Municipal Clerk 2

Date commission expires: 6-29-18

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



City of Madison

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

Certified Copy

Resolution: RES-14-00508

File Number: 34012

Enactment Number: RES-14-00508

Discontinuing/Vacating of a portion of Clymer Place, an alley, from the existing east right-of-way of North Mills Street to the west right-of-way of North Brooks Street, being part of University Addition to Madison located in the Southwest 1/4 of the Northwest 1/4 of Section 23, Town 7 North, Range 9 East, City of Madison, Dane County, Wisconsin. (8th AD)

WHEREAS, the University of Wisconsin has provided a written request that the City of Madison vacate/discontinue a portion of a public street/alley known as Clymer Place between N. Brooks Street and N. Mills Street, the written request for vacation/discontinuance is attached hereto and made part of this resolution; and

WHEREAS, the portion of Clymer Place to be vacated/discontinued was dedicated to the public as a 16.5 foot wide unnamed public alley right-of-way within Block 17 per the plat of University Addition to Madison, said plat was recorded August 28, 1850, in Volume A of Plats, Page 9, as Document No. 109, Dane County Registry; and

WHEREAS, the University of Wisconsin Regents owns all of the properties adjacent to the proposed Clymer Place vacation/discontinuance area; and

WHEREAS, the portion of Clymer Place to be vacated/discontinued was reconstructed as part of City of Madison Project No. 53W1496 in which previously existing Public street, sanitary sewer and water main improvements were demolished and/or abandoned and new sidewalk and storm sewer improvements were constructed per plans jointly developed with the University of Wisconsin; and

WHEREAS, the City of Madison will not require the perpetuation for Public use of the existing Public sidewalk or Public storm sewer improvements located within the portion of Clymer Place to be vacated/discontinued, and;

WHEREAS, upon vacation/discontinuance, the University of Wisconsin will take ownership of the vacated/discontinued portion of Clymer Place and proposes to take ownership of all improvements therein, including, but not limited to, the above referenced sidewalk and storm sewer improvements. The University of Wisconsin Regents also proposes to provide all maintenance and replacement necessary of the improvements therein and provide future connections to this new central walkway with State/University funding; and

WHEREAS, the City of Madison will require the retention of a Public Emergency Access Easement over the entirety of the portion of Clymer Place to be vacated/discontinued for the use by Public Safety personnel and associated public safety vehicles and equipment; and

WHEREAS, the City of Madison has prepared the necessary Clymer Place map and legal description exhibits of the public right-of-way to be vacated/discontinued, which are attached hereto and made part of this resolution; and

WHEREAS, the City Engineering Division recommends approval of this street vacation.

NOW THEREFORE BE IT RESOLVED, that the City Of Madison hereby vacates and discontinues a portion of Clymer Place as shown and described on attached map and legal description, in accordance with Wisconsin ss. 66.1003(2); and

BE IT FURTHER RESOLVED, under Section 66.1005(1), Wisconsin Statutes, reversionary rights of the vacated portion of Clymer Place public right-of-way will attach to the adjacent University of Wisconsin Regents owned properties; and

BE IT FURTHER RESOLVED, that under Section 66.1005(2)(a)(1), Wisconsin Statutes, the City Of Madison discontinues the easements and rights it may have in conjunction with any improvements within the portion of Clymer Place being vacated/discontinued. This resulting in the ownership, maintenance, removal and/or replacement of all improvements within the portion of Clymer Place to be vacated/discontinued being vested in the owner(s) of the vacated/discontinued lands; and

BE IT FURTHER RESOLVED, that under Section 66.1005(2), Wisconsin Statutes, the City of Madison retains a Public Emergency Access Easement over the entirety of Clymer Place being vacated/discontinued for the use by Public Safety personnel and associated public safety vehicles and equipment. The owner(s) of the vacated/discontinued portion of Clymer Place shall be required to obtain approval prior from the City of Madison Fire Department prior to the construction of any changes or modifications of the improvements within the easement area; and

BE IT FURTHER RESOLVED, under Section 66.1005(2), Wisconsin Statutes, other than those easements and rights released above by the City of Madison, any other existing easements and rights that may exist within the vacated street areas shall continue as part of this vacation/discontinuance; and

BE IT FINALLY RESOLVED, upon Common Council adoption of this resolution, the City Clerk shall validate this street vacation/discontinuance by recording it 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;

I, City Clerk Maribeth Witzel-Behl, certify that this is a true copy of Resolution No.14-00508, adopted by the Madison Common Council on July 1, 2014.

Maribeth Witzel-Behl

8-5-2014

Date Certified

Clymer Place Vacation/Discontinuance

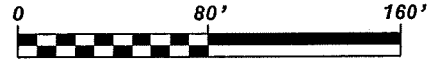
Engineering Project No. 53W1496

Portion to be Vacated/Discontinued:

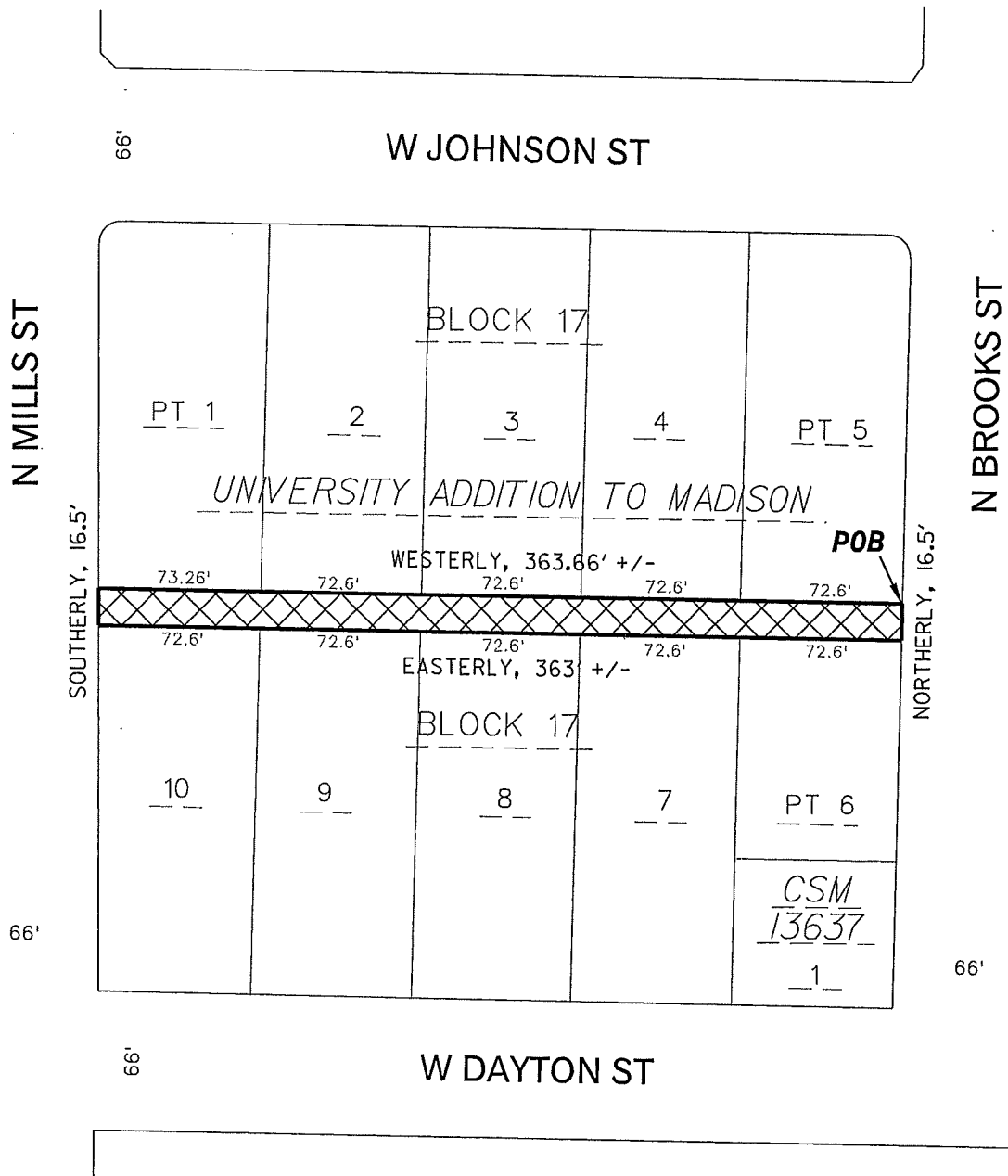
Being part of a 16.5 foot wide public right-of-way (alley) within Block 17, plat of University Addition to Madison, recorded August 28, 1850, in Volume A of Plats, page 9, as Document Number 109, located in part of the Northwest Quarter (¼) of the Northwest Quarter (¼) of Section 23, Town 7 North, Range 9 East, City of Madison, Dane County, Wisconsin, more particularly described as follows:

Beginning at the southeast corner of Lot 5 of said Block 17; thence Westerly, 363.66 feet, more or less, along the south lines of Lot 5, Lot 4, Lot 3, Lot 2 and Lot 1, said Block 17 to the southwest corner of Lot 1, said Block 17; thence Southerly, 16.5 feet to the northwest corner of Lot 10, said Block 17; thence Easterly, 363 feet, more or less, along the north lines of Lot 10, Lot 9, Lot 8, Lot 7, and Lot 6, said Block 17 to the northeast corner of Lot 6, said Block 17; thence Northerly, 16.5 feet to the said southeast corner of said Lot 5, Block 17 and the **point of beginning**.

STREET TO BE VACATED/DISCONTINUED
DEPARTMENT OF PUBLIC WORKS
CITY ENGINEERING DIVISION
CITY OF MADISON, WI
CLYMER PLACE



GRAPHIC SCALE (feet)



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 Date: 7-25-14
 Name of grantor(s) or grantor(s) agent printed: Maribeth Witzel-Behl



PORTION OF CLYMER PLACE TO BE VACATED/DISCONTINUED



WISCONSIN
UNIVERSITY OF WISCONSIN-MADISON

DATE: July 18, 2013

TO: Rob Phillips, P.E.
City of Madison Engineering
Room 115 City County Bldg
210 Martin Luther King Jr Blvd
Madison, WI 53703

FROM: William Elvey, P.E. *W. M. Elvey*
Associate Vice Chancellor

RE: Petition for Street Vacation – Clymer Place

Mr. Phillips, the University of Wisconsin-Madison has been working with staff in City Engineering on the planned upgrades and renovations to Clymer Place between N. Brooks Street and N. Mills Street. This letter is our official petition for the city of Madison to begin street vacation proceedings for this section of Clymer Place transferring ownership of this right-of-way to the Board of Regents.

It is our understanding that the city of Madison is currently doing major renovations and removing the existing curb/gutter/paving of this section of Clymer Place. The city is removing the street/alley and replacing it with a new central sidewalk based on the plans we have jointly developed. The demolition of the old alley/street and the replacement paving is being paid directly by the city under their project. Once the street vacation is approved, the new sidewalk and former right-of-way will become university property and will be fully maintained in the future by the university. The university will connect our existing adjacent sidewalks to this new central walkway with State/University funding.

The Board of Regents currently owns all of the property on the north and south sides of this section of Clymer Place therefore no other private property owners will need to be involved in this transaction.

Please take the necessary review and approval steps with the City of Madison Board of Public Works and City Council to facilitate this petition for street vacation.

Xc: Tammi Alexander, UW FP&M
Gary Brown, UW FP&M
Matt Collins, UW FP&M
Cindy Statz, UW FP&M
Kate Sullivan, UW System
Craig Weisensel, DFD
Lisa Pearson, DFD

Associate Vice Chancellor
Facilities Planning & Management

9th Floor WARF Building 610 Walnut Street Madison, Wisconsin 53726-2397
(608) 263-3000 FAX (608) 265-3139 TTY (608) 265-5147

**NOTICE OF PUBLIC HEARING
BEFORE THE CITY OF MADISON COMMON COUNCIL**

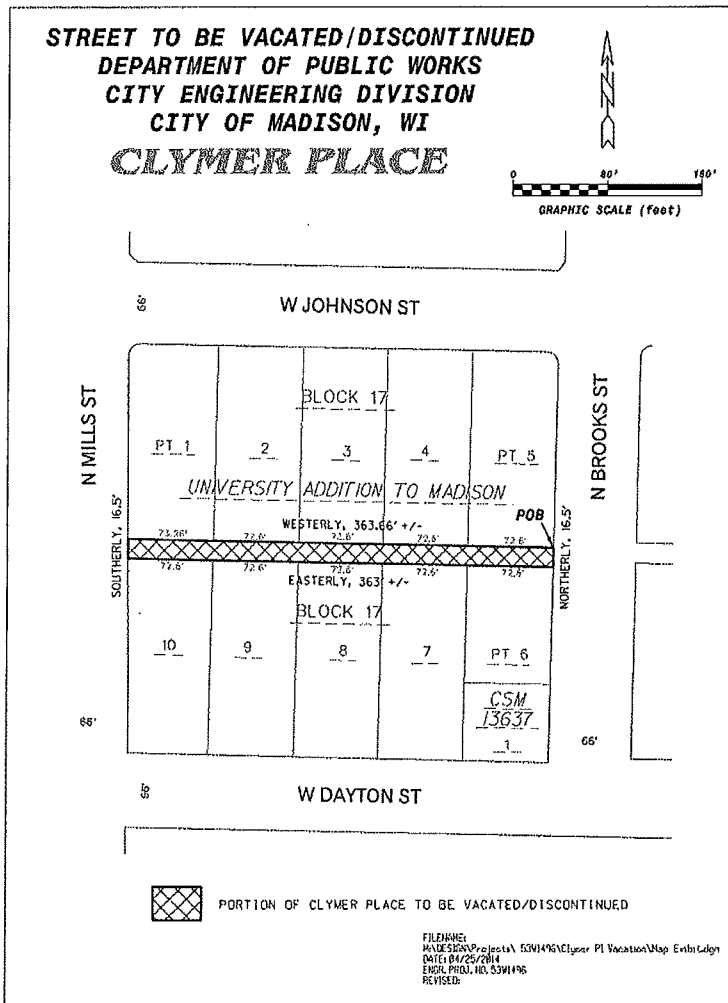
Vacation/Discontinuance of Clymer Place from N. Mills Street to N. Brooks Street

The City of Madison is proposing to vacate/discontinue a portion of improved Clymer Place from N. Mills Street to N. Brooks Street. A public hearing on the matter will be held at 6:30 pm CDT, **Tuesday July 1, 2014** in the Common Council Chambers Room 201 City-County Building 210 Martin Luther King, Jr. Boulevard, Madison, Wisconsin, 53701-2983.

Copies of the proposed Clymer Place street vacation resolution ID No. 34012 may be obtained from the Engineering Division Mapping Section located in the Larry D. Nelson Engineering Operations Facility, 1600 Emil St, Madison, Wisconsin and also available by searching "34012" on the following Legislative Information Center website:

<http://madison.legistar.com/Legislation.aspx>

Questions regarding the street vacation should be directed to Jeff Quamme, Engineering Division Land Records Coordinator at (608) 266-4097 or jquamme@cityofmadison.com



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 Date: 7-25-14
 Name of grantor(s) or grantor(s) agent printed: Maribeth Witzel-Behl

Publication dates: June 13, June 20 and June 27, 2014

AFFIDAVIT OF MAILING

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)


JANET PIEN, being first duly sworn on oath, deposes and says that:

1. She is a SECRETARY II with the Office of the City Engineer, City of Madison, Dane County, Wisconsin, and did on the 29TH day of MAY 2014 placed in envelopes addressed to each interested owner of respective addresses as indicated below, a true and correct notice of public hearing before the Common Council for the project titled **VACATION/DISCONTINUANCE OF CLYMER PLACE FROM N MILLS STREET TO N BROOKS STREET** attached hereto.

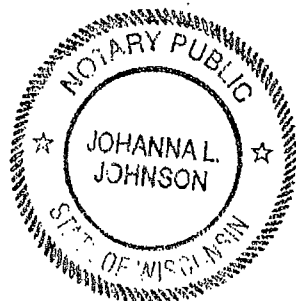
2. She did and delivered the envelopes to the Mail Room of the Dane County Printing and Services Division, 210 Martin Luther King, Jr. Blvd., in the city of Madison, Dane County Wisconsin, for postage and depositing in the United States Mail.


_____ Janet Pien

Subscribed and sworn to before me
this 29th day of MAY 2014



Johanna L. Johnson
Notary Public, State of Wisconsin
My Commission expires: 1/8/18



University of Wisconsin Regents
Van Hise Hall #1860
1220 Linden Drive
Madison, WI 53706-1525

UW Facilities Planning and Management
9th Floor WARF Building
610 Walnut Street
Madison, WI 53726-2397
Attn: Associate Vice Chancellor William Elvey, P.E



Department of Public Works
Engineering Division
Robert F. Phillips, P.E., City Engineer
City-County Building, Room 115
210 Martin Luther King, Jr. Boulevard
Madison, Wisconsin 53703
Phone: (608) 266-4751
Fax: (608) 264-9275
engineering@cityofmadison.com
www.cityofmadison.com/engineering

Assistant City Engineer
Michael R. Dailey, P.E.

Principal Engineers
Christina M. Bachmann, P.E.
John S. Fahrney, P.E.
Gregory T. Fries, P.E.
Christopher J. Petykowski, P.E.

Facilities & Sustainability
Jeanne E. Hoffman, Manager

Operations Manager
Kathleen M. Cryan

Mapping Section Manager
Eric T. Pederson, P.S.

Financial Manager
Steven B. Danner-Rivers

Hydrogeologist
Brynn Bemis

**NOTICE OF PUBLIC HEARING
BEFORE THE CITY OF MADISON COMMON COUNCIL**

Vacation/Discontinuance of Clymer Place from N. Mills Street to N. Brooks Street

The City of Madison is proposing to vacate/discontinue a portion of improved Clymer Place from N. Mills Street to N. Brooks Street. A public hearing on the matter will be held at 6:30 pm **CDT, Tuesday July 1, 2014** in the Common Council Chambers Room 201 City-County Building 210 Martin Luther King, Jr. Boulevard, Madison, Wisconsin, 53701-2983.

A copy of the official notice is included with this letter.

Questions regarding the street vacation should be directed to Jeff Quamme, Engineering Division Land Records Coordinator at (608) 266-4097 or jrquamme@cityofmadison.com

Sincerely

Robert F. Phillips, P.E.
City Engineer

RFP:jq