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Tx:8665398

RESOLUTION

KRISTI CHLEBOWSKI
DANE COUNTY
REGISTER OF DEEDS

DOCUMENT #

5152921

05/20/2015 1:17 PM

Trans. Fee:

Exempt #:

Rec. Fee: 30.00

Pages: 13

Use black ink

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

Circle one

official meeting held on May 5, 2015, 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/discontinuing a portion of an unnamed alley, from the existing southwesterly right-of-way of Nakoma Road to the current point of termination.

(SEE ATTACHED)

File #: 37235

Resolution #: RES-15-00283

A copy of the resolution is attached.

Recording area

Name and Return Address

City Clerk
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 13, 2015
Date

Maribeth Witzel-Behl
Name printed

City Clerk of Madison
Title

STATE OF WISCONSIN, County of DANE

Subscribed and sworn to before me on May 13, 2015 by the above named person(s).

Signature of notary or other person authorized to administer an oath

Eric A. 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 Christianson

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

DCROD 3/1/2002

Title Certified Municipal Clerk Date commission expires: 06-29-18

13



City of Madison

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

Master

File Number: 37235

File ID: 37235

File Type: Resolution

Status: Passed

Version: 1

Reference:

Controlling Body: BOARD OF
PUBLIC WORKS

File Created Date : 02/10/2015

File Name: Discontinuing/Vacating of a portion of an unnamed alley, from the existing southwesterly right-of-way of Nakoma Road extending southwesterly 125 feet to the current point of termination, being part of plat of Blocks 1 to 11 Nakoma, located in the Northeast

Final Action: 05/05/2015

Title: Discontinuing/Vacating of a portion of an unnamed alley, from the existing southwesterly right-of-way of Nakoma Road extending southwesterly 125 feet to the current point of termination, being part of plat of Blocks 1 to 11 Nakoma, located in the Northeast 1/4 of the Southwest 1/4 of Section 28, Town 7 North, Range 9 East, City of Madison, Dane County, Wisconsin. (10th AD)

Notes: Jeff Q

CC Agenda Date: 04/21/2015

Agenda Number: 4.

Sponsors: Maurice S. Cheeks

Effective Date:

Attachments: Public Way Vac 3610-3614 Nakoma Rd Description.doc, B000001 Petition to Discontinue.pdf, Nakoma Alley Vacate Map Exhibit.pdf, Nakoma Alley.doc, Hearing Notice_Nakoma Rd.pdf

Enactment Number: RES-15-00283

Author: Rob Phillips, City Engineer

Hearing Date:

Entered by: japien@cityofmadison.com

Published Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Engineering Division	02/10/2015	Referred for Introduction				
	Action Text:		This Resolution was Referred for Introduction				
	Notes:		Board of Public Works (3/18/15), Plan Commission (3/9/15) Common Council (4/21/15) Public Hearing at CC (4/21/15)				
1	COMMON COUNCIL	02/24/2015	Referred	BOARD OF PUBLIC WORKS		03/18/2015	
	Action Text:		This Resolution was Referred to the BOARD OF PUBLIC WORKS				
	Notes:		Additional referral to Plan Commission				
1	BOARD OF PUBLIC WORKS	02/24/2015	Refer	PLAN COMMISSION		03/23/2015	

	Action Text:	This Resolution was Refer to the PLAN COMMISSION			
	Notes:				
1	BOARD OF PUBLIC WORKS	03/18/2015	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER		Pass
	Action Text:	A motion was made by Skidmore, seconded by Branson, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.			
	Notes:				
1	PLAN COMMISSION	03/23/2015	Return to Lead with the Recommendation for Approval	BOARD OF PUBLIC WORKS	Pass
	Action Text:	A motion was made by Rewey, seconded by Sundquist, to Return to Lead with the Recommendation for Approval to the BOARD OF PUBLIC WORKS. The motion passed by voice vote/other.			
1	COMMON COUNCIL	03/31/2015	Adopt		Pass
	Action Text:	A motion was made by Schmidt, seconded by DeMarb, to Adopt. The motion passed by voice vote/other.			
1	COMMON COUNCIL	04/21/2015			
	Action Text:	A motion was made by Schmidt, seconded by DeMarb, to suspend the rules. The motion passed by voice vote/other.			
1	COMMON COUNCIL	04/21/2015	Reconsider		Pass
	Action Text:	A motion was made by Schmidt, seconded by DeMarb, to Reconsider. The motion passed by voice vote/other.			
	Notes:				
1	COMMON COUNCIL	04/21/2015	Adopt Under Suspension of Rules 2.04, 2.05, 2.24, and 2.25		Pass
	Action Text:	A motion was made by Schmidt, seconded by DeMarb, to Adopt Under Suspension of Rules 2.04, 2.05, 2.24, and 2.25. The motion passed by voice vote/other.			
	Notes:				

Text of Legislative File 37235

Fiscal Note

The vacation/discontinuance of approximately 1,000 sq. ft. of public public alley right-of-way southwesterly of Nakoma Road between 3610 and 3614 Nakoma Road for transfer to adjoining properties. No expenditure of City funds required.

Title

Discontinuing/Vacating of a portion of an unnamed alley, from the existing southwesterly right-of-way of Nakoma Road extending southwesterly 125 feet to the current point of termination, being part of plat of Blocks 1 to 11 Nakoma, located in the Northeast 1/4 of the Southwest 1/4 of Section 28, Town 7 North, Range 9 East, City of Madison, Dane County, Wisconsin. (10th AD)

Body

WHEREAS, the adjacent property owners have provided a written petition to the City Engineer requesting the City of Madison to vacate/discontinue a portion of an unnamed public alley lying southwesterly of the southwest right-of-way line of Nakoma Road between the two properties located at 3610 Nakoma Road and 3614 Nakoma Road, the written request for vacation/discontinuance is attached hereto and made part of this resolution; and

WHEREAS, the portion of the unnamed alley to be vacated/discontinued was dedicated to the public as an 8 foot wide unnamed public alley right-of-way between Lot 1, Block 2 and Lot 1, Block 1, Plat of Blocks 1 to 11 Nakoma, recorded July 5, 1916, in Volume 5 of Plats, page 42 as Document No. 354655, Dane County Registry; and

WHEREAS, the lots to the west and south of the said unnamed public alley right-of-way to be vacated/discontinued were replatted by Replat "A" of Blocks 1, 2, 11 and Other Land, recorded July 1, 1926, in Volume 6 of Plats, page 4 as Document No. 463246, Dane County Registry; and

WHEREAS, there currently exists concrete stair and concrete sidewalk improvements that are exclusively used for private access to adjacent private properties, and those improvements have been previously and are currently maintained by the adjacent property owners; and

WHEREAS, the City of Madison has not in the past and currently does not maintain any portion of the improvements within the unnamed public alley right-of-way to be vacated/discontinued; and

WHEREAS, upon vacation/discontinuance, the adjacent property owners shall be fully responsible for the maintenance, repair and replacement of all of the existing improvements within the portion of the unnamed public alley to be vacated/discontinued; and

WHEREAS, the City of Madison has prepared the necessary map exhibit and legal description of the unnamed public alley 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 the unnamed public alley right-of-way 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/discontinued portion of the unnamed alley right-of-way will attach to the adjacent lands on each side of the vacated/discontinued alley; and

BE IT FURTHER RESOLVED, that under Section 66.1005(2)(a)(1), Wisconsin Statutes, the City Of Madison releases any easements and rights it may have within the unnamed public alley right-of-way as shown and described on attached map and legal description. This resulting in the ownership, maintenance, removal and/or replacement of all improvements within the portion of the unnamed public alley to be vacated/discontinued being vested in the owner(s) of the vacated/discontinued lands; 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.

Public Way Vacation/Discontinuance

Engineering Project No. B000001

Portion to be Vacated/Discontinued:

That portion of a public alley lying adjacent to Lot 1, Block 1, plat of Blocks 1 to 11 Nakoma, recorded as Document No. 354655, City of Madison, Dane County, Wisconsin, said area to be discontinued described as follows:

Beginning at the southeast corner of said Lot 1, Block 1; thence S 75°56' W, 125 feet along the northerly side of said Public Way, also being the southerly line of said Lot 1, Block 1 to the southwest corner of said Lot 1, Block 1; thence S 13°04' E, 8 feet along the Easterly line of Lot 18, Block 1, Replat A of Blocks 1, 2, 11 and Other Land Nakoma (hereinafter referred to as Replat) to the northwest corner of Lot 22, Block 1 of said Replat; thence N 75°56' E, 125 feet to the northeast corner of said Lot 22, Block 1 of Replat; thence N 13°04' W, 8 feet, more or less, along the westerly right of way of Nakoma Road to the point of beginning.

November 3, 2014

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

Petition to Discontinue / Vacate Public Way

Dear Mr. Phillips,

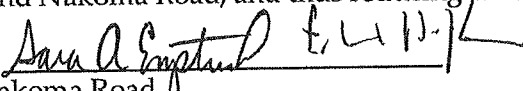
We are requesting the City of Madison discontinue the public way that adjoins the listed properties. The **public way is defined in EXHIBIT A** of this document, with the **area to be discontinued/vacated is generally located between the two private properties located at 3614 Nakoma Road and 3610 Nakoma Road**, there being a sidewalk in the public way that is currently and historical (to neighborhood recollection) has been maintained by private parties and has not been maintained by the City of Madison nor used as a public sidewalk.

Other than the periodic use by the adjacent property owner (primarily 3614 Nakoma), it has not been used as a public sidewalk on a regular basis to the knowledge of 3614 Nakoma owners since 2004 and to the knowledge of 3610 Nakoma ownership since 1970. It is neighbor's understanding that the public way was originally platted for trolley access to Nakoma Road for a home and lot that no longer exists, decades ago redistributed to 3610 and 3614 Spring Trail properties.

3614 Nakoma Road owner (Engstrand/Lightbourn) conducts primary maintenance efforts for the way such as snow removal and landscaping (cutting of hedge, buying/placing weed reducing mulch, and grass cutting) for the way.

The Engstrand/Lightbourn's have paid for significant repair to the original aged (estimated ~80 yrs) concrete stairs in the way during the fall of 2013. However, it is expected that a more extensive, complete replacement will need to be made in the medium term (5 years). Given the age of the concrete walk and steps in the way, and the concrete equipment access difficulty and cost in repairing them, it would be beneficial to clarify the City of Madison's future interest in maintaining the way so that improvements can be planned in an equitable fashion.

In addition due to the rain and snow melt drainage patterns from the surrounding hillside properties, the walkway and stairs as currently designed collect and accumulate ice during freeze thaw cycles, creating a dangerous situation. This use includes the US Postal service (primary user of the stairs to access the Lightbourn mailbox). It has been recommended by an architect (under contract with the Lightbourn's) that the area could be converted into a swale feature, directing the drainage into natural vegetation, instead of directly to the way's aging stairs and Nakoma Road, and thus reducing the buildup of ice.

Signed 
3614 Nakoma Road
ENGSTRAND, SARA A & EDWARD D LIGHTBOURN
PARCEL_NUMBER 251/0709-283-1219-2

Phone: 608-231-9976

email: saraengstrand@yahoo.com

Signed *Joanna Mandt*

3610 Nakoma Road
MANDT JT TRUST, M C & J M
PARCEL_NUMBER 251/0709-283-1220-9

phone: 608-231-1675
email: JBMandt@gmail.com

Signed *DALEY, SETH H & IRIS KURMAN*

3614 Spring Trail
DAILEY, SETH H & IRIS KURMAN
PARCEL_NUMBER 251/0709-283-1215-0

Signed *Paul G. Ladell*

3610 Spring Trail
LADELL, PAUL G
PARCEL_NUMBER 251/0709-283-1216-8

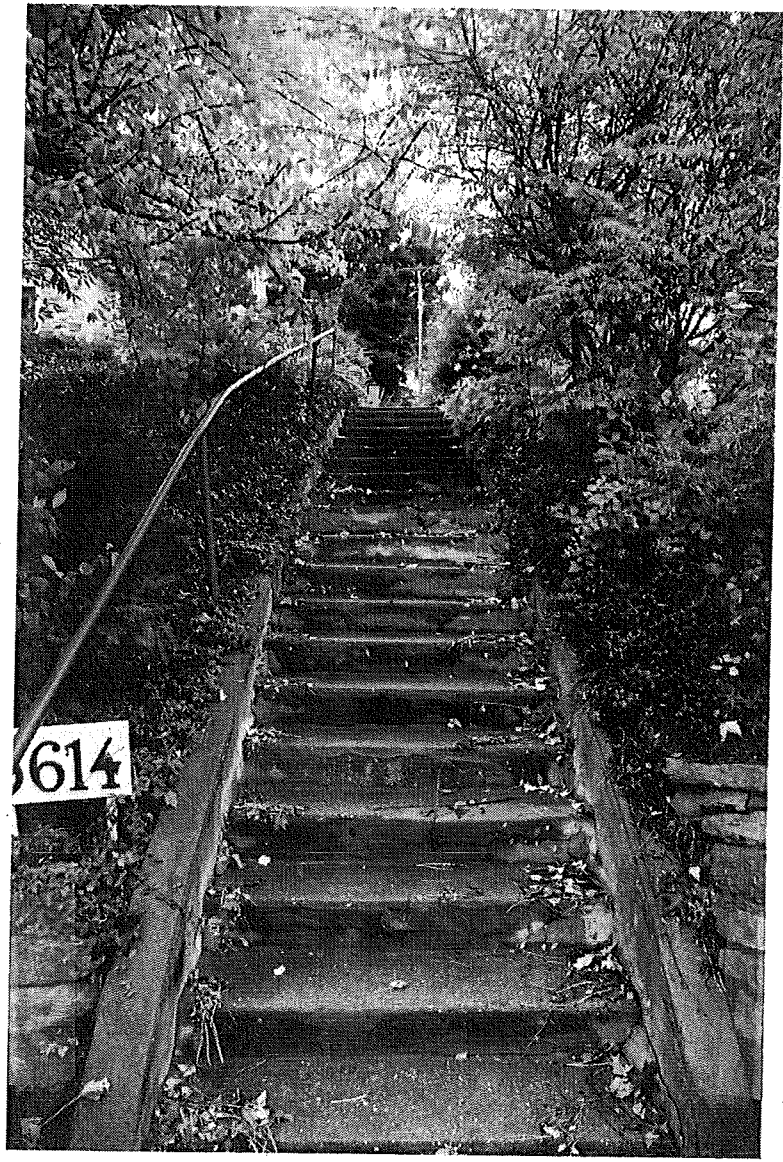
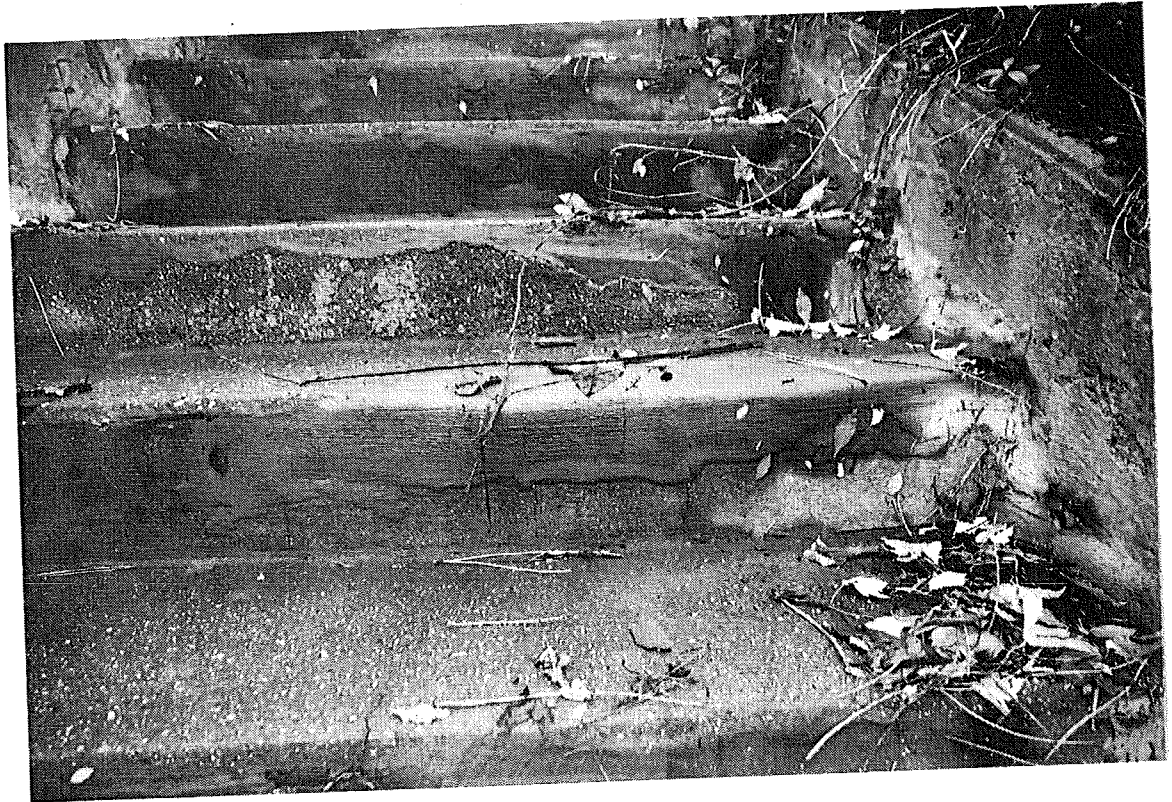


EXHIBIT A

Public Way Description

That portion of a public way lying adjacent to Lot 1, Block 1, plat of Blocks 1 to 11 Nakoma, recorded as Document No. 354655, City of Madison, Dane County, Wisconsin, said area to be discontinued described as follows:

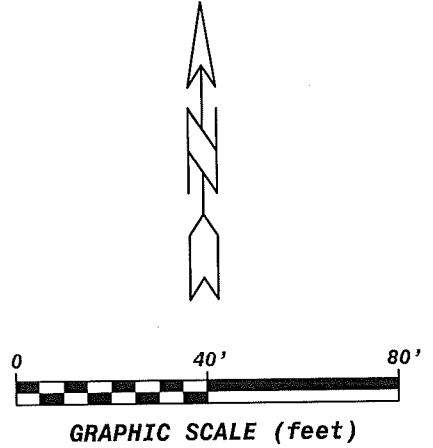
Beginning at the southeast corner of said Lot 1, Block 1; thence S 75°56' W, 125 feet along the northerly side of said Public Way, also being the southerly line of said Lot 1, Block 1 to the southwest corner of said Lot 1, Block 1; thence S 13°04' E, 8 feet along the Easterly line of Lot 18, Block 1, Replat A of Blocks 1, 2, 11 and Other Land Nakoma (hereinafter referred to as Replat) to the northwest corner of Lot 22, Block 1 of said Replat; thence N 75°56' E, 125 feet to the northeast corner of said Lot 22, Block 1 of Replat; thence N 13°04' W, 8 feet, more or less, along the westerly right of way of Nakoma Road to the point of beginning.



PUBLIC ALLEY TO BE VACATED/DISCONTINUED

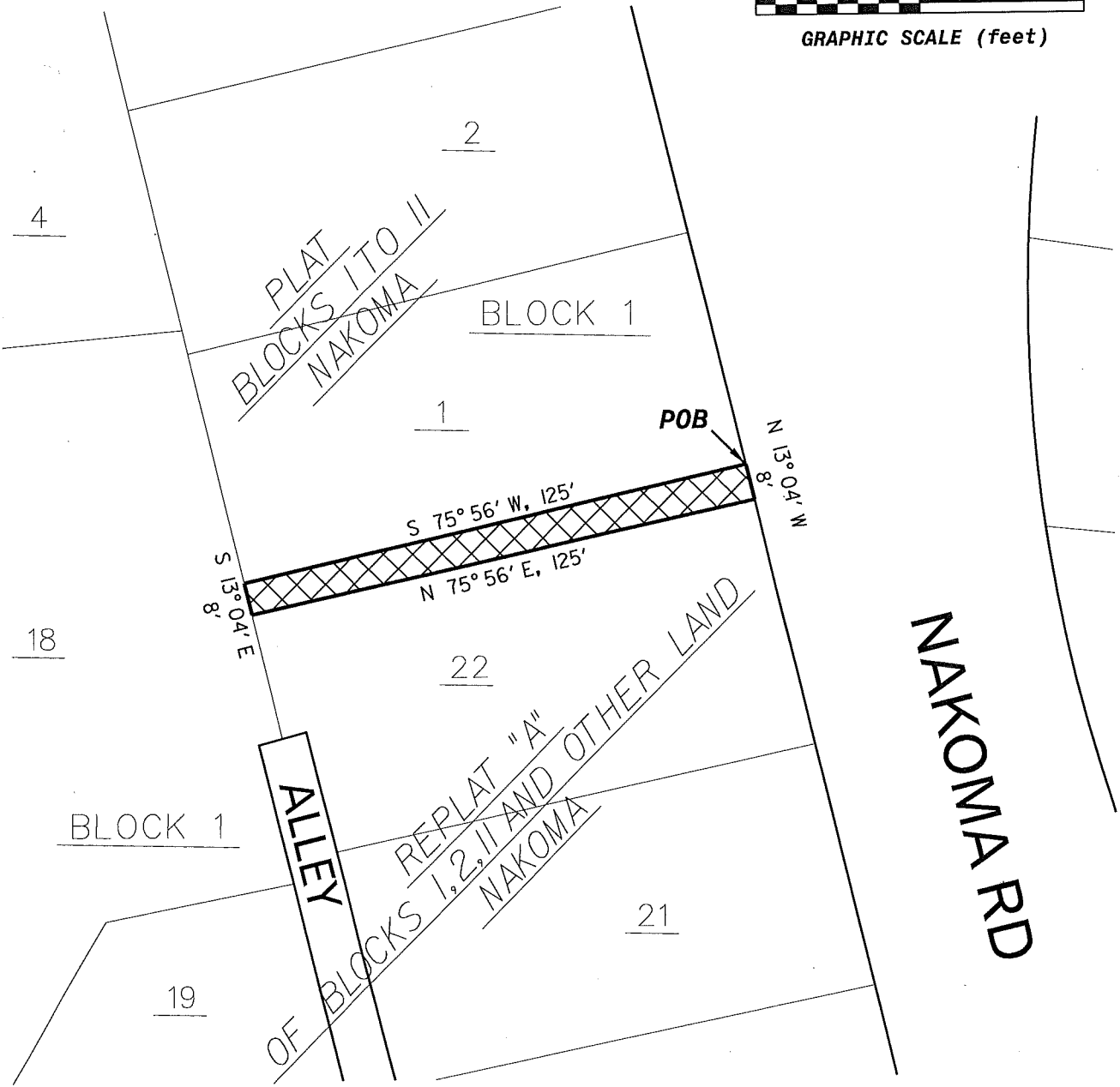
DEPARTMENT OF PUBLIC WORKS
CITY ENGINEERING DIVISION
CITY OF MADISON, WISCONSIN

PUBLIC ALLEY



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: 5.13.15



PORTION OF 8' PUBLIC ALLEY TO BE VACATED/DISCONTINUED

FILENAME:
M:\DESIGN\Projects\Mapping\Nakoma 8' Alley Vacate\Map Exhibit.dgn
DATE: 01/23/2015
ENGR. PROJ. NO. B000001
REVISED: 02/05/2015

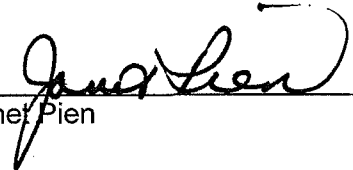
AFFIDAVIT OF MAILING

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

Janet Pien, being first duly sworn on oath, deposes and says that:

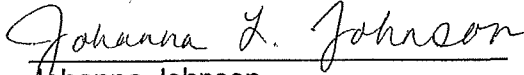
1. She is an Program Assistant II with the Office of the City Engineer, City of Madison, Dane County, Wisconsin, and did on the 19th of March, place in envelopes addressed to each interested owner of respective addresses as indicated by attached assessment list, a true and correct copy of the notice of public hearing for the project titled VACATION/DISCONTINUANCE OF A PORTION OF PUBLIC WAY BETWEEN 3610 NAKOMA ROAD AND 3614 NAKOMA ROAD.

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 19th day of March, 2015



Johanna Johnson
Notary Public, State of Wisconsin
My Commission expires: January 8, 2018.





Department of Public Works
Engineering Division
Robert F. Phillips, P.E., City Engineer

SETH H. DAILEY AND IRIS KURMAN
3614 SPRING TRAIL
MADISON, WI 53711

Assistant City Engineer
Michael R. Dailey, P.E.
Principal Engineer2
Gregory T. Fries, P.E.
Principal Engineer1
Christina M. Bachmann, P.E.
Eric L. Dundee, P.E.
John S. Fahrney, 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

March 19, 2015

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

**Vacation/Discontinuance of a portion of Public Way Between
3610 Nakoma Road and 3614 Nakoma Road**

The City of Madison is proposing to vacate and discontinue a portion of an unnamed public way extending southwesterly 125 feet from the southwesterly right of way line of Nakoma Road to the current southwesterly terminus. A public hearing on the matter will be held at 6:30 pm **CDT, Tuesday April 21st, 2015** 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 (please see reverse side).

<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 jrquamme@cityofmadison.com

Sincerely

Robert F Phillips, PE
City Engineer

RFP:jq

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

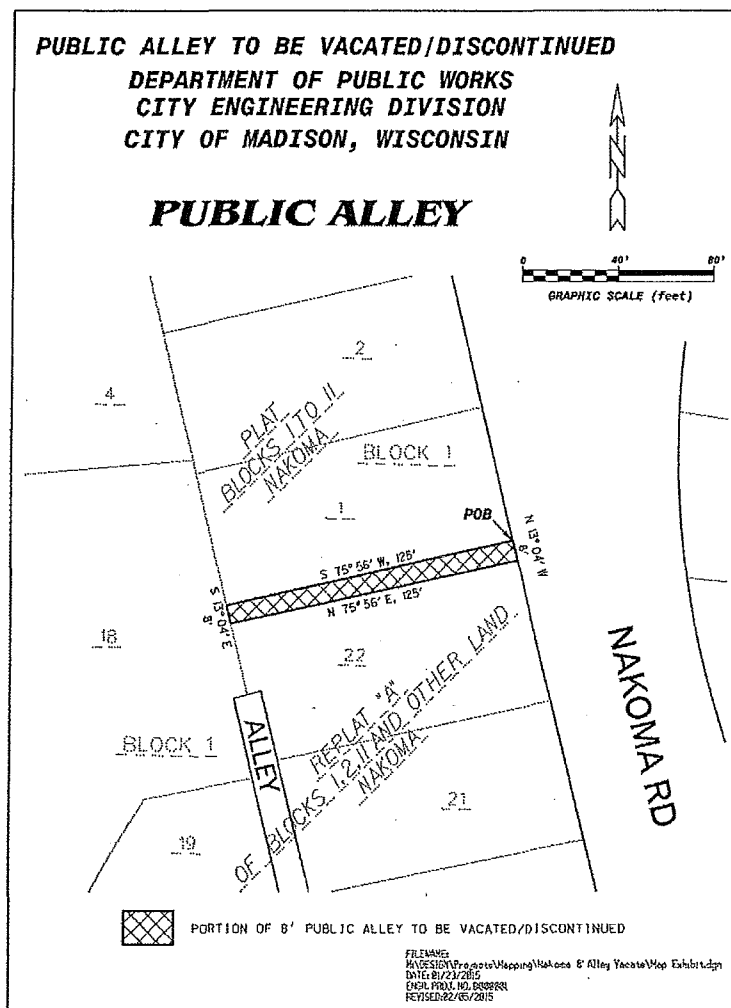
**Vacation/Discontinuance of a portion of Public Way Between
3610 Nakoma Road and 3614 Nakoma Road**

The City of Madison is proposing to vacate and discontinue a portion of an unnamed public way extending southwesterly 125 feet from the southwesterly right of way line of Nakoma Road to the current southwesterly terminus. A public hearing on the matter will be held at 6:30 pm **CDT, Tuesday April 21st, 2015** in the Common Council Chambers Room 201 City-County Building 210 Martin Luther King, Jr. Boulevard, Madison, Wisconsin, 53701-2983.

Copies of the proposed unnamed public way vacation resolution ID No. 37235 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 "37235" 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 jrquamme@cityofmadison.com



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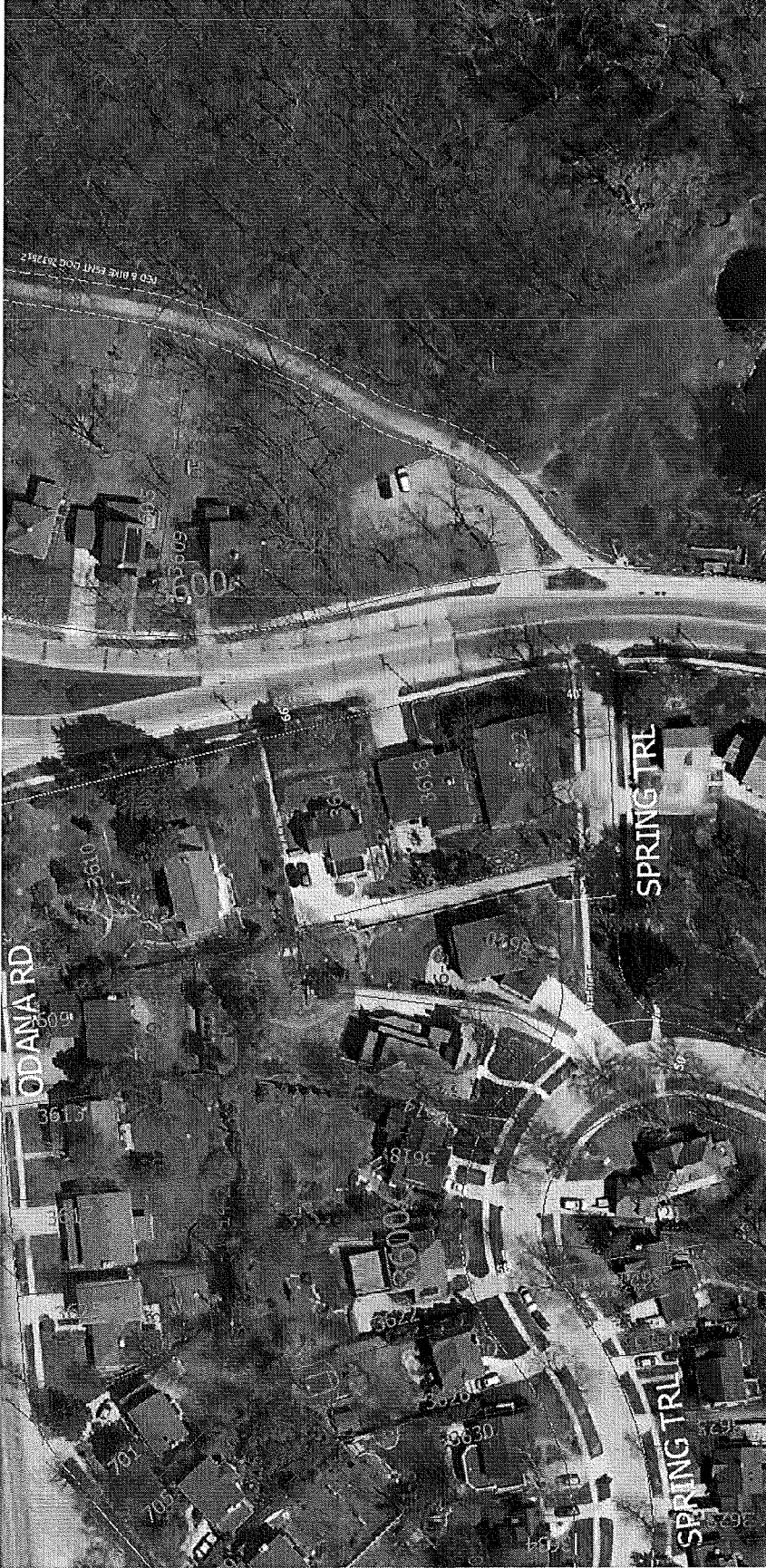
Date: 5/13/15

Maribeth Witzel-Behl

Signed by grantor(s) or grantor(s) agent: _____

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

Publication dates: March 27, April 3 and 10, 2015



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Signed by grantor(s) or grantor(s) agent: Maribeth Witzel-Behl Date: 5.13.15

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