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DANE COUNTY  
REGISTER OF DEEDS

DOCUMENT #  
**4344508**

08/14/2007 07:51AM

Exempt #:

Rec. Fee: 19.00  
Pages: 5

Recording area

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

# RESOLUTION

Use black ink

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

official meeting held on August 7, 2007, 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 remaining portion of an unimproved public alley right-of-way, one rod (16.5 feet) in width, dedicated by the subdivision plat of Hoyts Subdivision of Outlot No. 3 in the University Addition to Madison, and located adjacent to and reversion rights to, Lots 8-17 (inclusive), being located in part of the Southwest ¼ of the Northwest ¼ of Section 23, Town 07 North, Range 09 East, City of Madison, Dane County, Wisconsin.

File #: 06813  
Resolution #: RES-07-00773

**A copy of the resolution is attached.**

*Maribeth Witzel-Behl*

\_\_\_\_\_  
Signature of City/Village/Town official      August 14, 2007  
Date

\_\_\_\_\_  
Name printed      Maribeth Witzel-Behl

\_\_\_\_\_  
Title      City Clerk of Madison

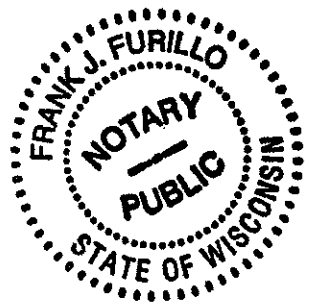
STATE OF WISCONSIN, County of DANE

Subscribed and sworn to before me on August 14, 2007 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: Frank Furillo

Title Administrative Clerk II Date commission expires: 7-31-2011



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

*Maribeth Witzel-Behl*

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

5/9



# City of Madison

## Certified Copy

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

Resolution: RES-07-00773

**File Number: 06813**

**Enactment Number: RES-07-00773**

AMENDED - Vacating a remaining portion of an unimproved public alley right-of-way, one rod (16.5 feet) in width, dedicated by the subdivision plat of Hoyts Subdivision of Outlot No. 3 in the University Addition to Madison, and located adjacent to and reversion rights to, Lots 8-17 (inclusive), being located in part of the Southwest 1/4 of the Northwest 1/4 of Section 23, Town 07 North, Range 09 East, City of Madison, Dane County, Wisconsin. (4th AD)

**WHEREAS**, the Plat of "Hoyts Subdivision of Outlot No 3 in the University Addition to Madison" was recorded April 28, 1855 in Volume A of Plats on Page 12 as Document No. 113, Dane County Registry; and

**WHEREAS**, the Plat of "Hoyts Subdivision of Outlot No 3 in the University Addition to Madison" dedicated a one rod (16.5 feet) wide public alley, from Dayton Street (now West Dayton Street) South to the former Illinois Central Railroad Company (now owned by Wisconsin Department of Transportation-Bureau of Rails and Harbors and containing the Southwest Commuter Bike Path); and

**WHEREAS**, the City of Madison vacated the North 150 feet of this alley by Resolution No. 7256 File Number 4600-33 on June 11, 1964; and

**WHEREAS**, the City of Madison filed on June 4, 1964 the related alley vacation Lis Pendens as Document No 1103889 with the Dane County Register of Deeds; and

**WHEREAS**, the City of Madison filed on July 31, 1964 the related alley vacation Resolution as Document No 1108588 with the Dane County Register of Deeds; and

**WHEREAS**, the University of Wisconsin-Madison Regents are an adjacent owner of the abutting property at 801 West Dayton Street, with legal reversionary interest, of the proposed public alley vacation area; and

**WHEREAS**, Madison Gas & Electric are an adjacent owner of the abutting two properties at 108 and 110 North Murray Street, with legal reversionary interest, of the proposed public alley vacation area; and

**WHEREAS**, University of Wisconsin-Madison Regents, the owner of said abutting property, petitioned by their Facilities Planning & Management Director Gary A. Brown, to the City of Madison to vacate/discontinue a portion of remaining public alley to accommodate the proposed Dayton Street Residence Hall PUD on the property at 801 West Dayton Street; and

**WHEREAS**, City of Madison Engineering Division has created Project No. 53B0498-W Dayton St-Southwest Bike Path Public Alley Vacation; and

**WHEREAS**, the City Of Madison has not improved the proposed vacated public alley right-of-way area with any public alley pavement, nor does the City have plans for future public alley improvements within the proposed vacated/discontinued public alley right-of-way; and

**WHEREAS**, the City Of Madison Engineering Division does not have any public water main, public sanitary sewer, public storm sewer facilities or public surface drainage rights within the proposed alley vacation right-of-way area; and

**WHEREAS**, the abutting Wisconsin Department of Transportation Bureau of Rails and Harbors owned former Illinois Central Railroad Company Corridor abuts the proposed vacated public alley right-of-way area, but does not have legal reversionary rights; and

**WHEREAS**, the City Of Madison Engineering Division supports the vacation/discontinuance of this remaining

public alley right-of-way.

**NOW THEREFORE BE IT RESOLVED**, that the City Of Madison hereby conditionally discontinues and vacates the unimproved public alley right-of-way, one rod (16 5 feet) in width, dedicated by the subdivision plat of Hoyts Subdivision of Outlot No 3 in the University Addition to Madison, and located adjacent to and reversion rights to, Lots 8-17 (inclusive), being located in part of the Southwest 1/4 of the Northwest 1/4 of Section 23, Town 07 North, Range 09 East, City of Madison, Dane County, Wisconsin under WI Ss 66.1003(2) as shown on map identified as Exhibit "A" and part of this resolution

**NOW THEREFORE BE IT FURTHER RESOLVED**, under Section 80.32(4), Wisconsin Statutes, any existing easements or incidental rights within the vacated portion of this platted public alley are perpetuated as part of this vacation

**NOW THEREFORE BE IT FURTHER RESOLVED**, under Section 66.1005(1), Wisconsin Statutes, reversionary rights of the portion of vacated Ravine Street public alley right-of-way will attach entirely to the adjacent platted Lots 8-17, Hoyts Subdivision of Outlot No 3 in the University Addition to Madison; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, following adoption of this resolution and the City Clerk recording with the Dane County Register of Deeds, effectively conveying title of the vacated public alley, the City of Madison Assessor's Office will include the vacated lands with the following City of Madison parcels and the respective owners:

University of Wisconsin Regents  
801 W. Dayton Street  
251/0709-232-2501-9

Madison Gas & Electric  
108 N. Murray Street  
251/0709-232-2537-4

Madison Gas & Electric  
110 N. Murray Street  
251/0709-232-2540-7

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

I, Maribeth Witzel-Behl, certify that this is a true copy of Resolution No. RES-07-00773, passed by the COMMON COUNCIL on 8/7/2007.

Maribeth Witzel-Behl

August 14, 2007  
Date Certified



Legal Description of Site

All of Lots 2, 3, 4, 5, 6, 7, 8, 17; and that portion of Lot 9 lying north of a line running from a point 2.28 feet north of the southeast corner of said Lot 9 to a point 12.0 feet +/- north of the southwest corner of said Lot 9; and that portion of Lot 16 lying north of a line running from a point 12.5 feet +/- north of the southeast corner of said Lot 16 to a point 22.0 feet north of the southwest corner of said Lot 16; and all of the unnamed original platted 16.5 foot wide alley contiguous to the above described lots and portions of lots whether previously vacated or not; all in the southwest 1/4 of the northwest 1/4 of Section 23, T. 7 N. - R. 9 E. in Hoyt's Subdivision of Outlot 3, University Addition to the City of Madison, Dane County, Wisconsin.