



Office of the City Clerk

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CITY OF MADISON
INTER-DEPARTMENTAL
CORRESPONDENCE

DATE: December 12, 2008

TO: Eric Pederson, City Engineering
Heidi Fischer, Real Estate

FROM: Tammy Peters, City Clerk's Office

SUBJECT: **STREET VACATION**

Attached is a certified copy of Vacation/Discontinuance Vacating Moonlight Trail from Ancient Oak Lane to Winter Frost Place and public alleys located within Outlots 14, 15, 16 and 21, Linden Park. Enactment #: RES-08-00713, File ID #: 10507. The resolution was adopted at a meeting of the Common Council held on July 15, 2008.

It was recorded in the Register of Deeds Office on: August 11, 2008.

Document No. 4453945

If you have any questions, please feel free to call me at 266-4601.

copy to:

Al Schumacher, Streets Division
Marla Eddy, City Forestry
David Dryer, City Transportation
Brad Murphy, City Planning
Tim Parks, City Planning
Tom Heikkinen, Water Utility Manager
Kevin Briski, Parks Division
Maureen Richards, Assessor's Office
Sally Sweeney, Assessor's Office
Gregg Knudtson, Fire Department
Tim Sobota, Transit Utility
Keith Pollock, Parking Utility
Jeff Ekola, Real Estate
George Hank, Inspection Unit
Clerk file (scan/attach to legislative file)



City of Madison

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

Certified Copy

Resolution: RES-08-00713

File Number: 10507

Enactment Number: RES-08-00713

Vacating Moonlight Trail from Ancient Oak Lane to Winter Frost Place and public alleys located within Outlots 14, 15, 16 and 21, Linden Park, as dedicated by said Linden Park, recorded in Volume 59-095B of Plats on Pages 488-493 as Document No. 4139208, Dane County Registry, located in the Northeast $\frac{1}{4}$ and the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 33, Town 07 North, Range 08 East, City of Madison (formerly Township of Middleton), Dane County, Wisconsin, and Authorizing the Mayor and City Clerk to execute the final public utility easement release document administered by the City Office of Real Estate Services.

WHEREAS, the Plat of Linden Park was recorded in Volume 59-095B of Plats on Pages 488-493 as Document No. 4139208, Dane County Registry; and

WHEREAS, the Plat of Linden Park dedicated Moonlight Trail and four (4) public alleys contained within Outlots 14, 15, 16 and 21; and

WHEREAS, the Developer, at the present time, has not proceeded with the Phase Development of this portion of the Linden Park plat and there has been no design work completed by the City of Madison, nor any public improvements built; and

WHEREAS, the Developer reports to the City of Madison that the "Carriage Lane" style residential design has been outsold nearly four (4) to one (1) by the conventional garage forward residential design; and

WHEREAS, the Developer is desirous to replat a portion of Linden Park as shown on the Preliminary Final Plat of First Addition to Linden Park which is attached and made part of this resolution; and

WHEREAS, the proposed replat results in a seventeen (17) lot residential dwelling unit reduction, yet remains well within the density requirements contained in the approved neighborhood plan; and

WHEREAS, the proposed replat requires the vacation of Moonlight Trail and the four (4) public alleys contained within Outlots 14, 15, 16 and 21; and

WHEREAS, the proposed replat also requires the release of various public utility easements which shall be obtained, solely by the Developer, from the various public utilities and recorded with the Dane County Register of Deeds; and

WHEREAS, the Developer shall provide the recorded public utility release documents to the City Office of Real Estate Services prior to the Real Estate Unit recording a final City of Madison Easement Release Document with the Dane County Register of Deeds; and

WHEREAS, the City of Madison Engineering Division has established Engineering Project No. 53B2754 - First Addition to Linden Park and the City Office of Real Estate Services has established Real Estate Project No. 8962 relative to the Street/Alley Vacations and Utility Easement Releases; and

NOW THEREFORE BE IT RESOLVED, that the City Of Madison hereby conditionally discontinues and vacates Moonlight Trail from Ancient Oak Lane to Winter Frost Place and the four (4) public alleys contained within Outlots 14, 15, 16 and 21 under WI Ss 66.296(2) as mapped and described on attached legal description and map exhibits attached that have been made part of this resolution, also described as follows:

LEGAL DESCRIPTION: Dedicated Moonlight Trail from Ancient Oak Lane to Winter Frost Place and public alleys located within Outlots 14, 15, 16 and 21, Linden Park, as dedicated by said Linden Park, recorded in Volume 59-095B of Plats on Pages 488-493 as Document No. 4139208, Dane County Registry, located in the Northeast ¼ and the Northwest ¼ of the Northeast ¼ of Section 33, Town 07 North, Range 08 East, City of Madison (formerly Township of Middleton), Dane County, Wisconsin; and

NOW THEREFORE BE IT FURTHER RESOLVED, prior to the recording of this adopted street vacation resolution, the Developer shall provide recorded copies of the related public utility release documents to the City Office of Real Estate Services. The City Office of Real Estate Services will then record a final City of Madison Easement Release Document with the Dane County Register of Deeds; and

NOW THEREFORE BE IT FURTHER RESOLVED, if for any reason, the proposed First Addition to Linden Park is not approved by the City of Madison, this resolution will no longer be valid and binding; and

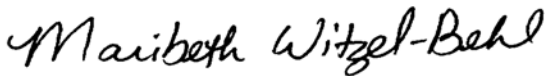
NOW THEREFORE BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized to execute the necessary related final public utility release document to be administered by the City Office of Real Estate Services by Real Estate Project No. 8962; and

NOW THEREFORE BE IT FURTHER RESOLVED, that the City Clerk is authorized to validate this street vacation by recording the resolution together with the attached "Street_Alley_Vacation_Map.pdf" with the Dane County Register of Deeds;

PUBLIC HEARING NOTICE MAILING LIST:

MB Investments of Wisconsin, LLC
c/o Mr. Don Esposito
6801 South Towne Drive
Madison, WI 53713

I, Maribeth Witzel-Behl, certify that this is a true copy of Resolution No. 10507, passed by the COMMON COUNCIL on 7/15/2008.



8/11/08

Maribeth Witzel-Behl

Date Certified