



Office of the City Clerk

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CITY OF MADISON
INTER-DEPARTMENTAL
CORRESPONDENCE

DATE: August 8, 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 of a portion of Shaw Street between Grim Street and Swanson Street. Enactment #: RES-08-00004, File ID #: 07591. The resolution was adopted at a meeting of the Common Council held on January 8, 2008.

It was recorded in the Register of Deeds Office on: July 25, 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)



* 4 4 5 3 9 4 5 5 *

DANE COUNTY
REGISTER OF DEEDS

DOCUMENT #
4453945

07/25/2008 09:42AM

Exempt #:

Rec. Fee: 19.00
Pages: 5

Recording area

Name and return address:

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 January 8, 2008, 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 Shaw Street between Grim Street and Swanson Street and a portion of Swanson Street near the intersection of Shaw Street

File #: 07591

Resolution #: RES-08-00004

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

July 24, 2008

Date

Maribeth Witzel-Behl

Name printed

City Clerk of Madison

Title

STATE OF WISCONSIN, County of DANE

Subscribed and sworn to before me on July 24, 2008 by the above named person(s)

Signature of notary or other person authorized to administer an oath (as per s. 706.06, 706.07)

Tammy Peters

Print or type name: Tammy Peters

Title Program Assistant 2

Date commission expires: 6-7-09

This document was drafted by:
(print or type name below)
Tammy L. Peters

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

5/19



City of Madison

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

Certified Copy

Resolution: RES-08-00004

File Number: 07591

Enactment Number: RES-08-00004

Vacation/Discontinuance of a portion of Shaw Street between Grim Street and Swanson Street and a portion of Swanson Street near the intersection of Shaw Street, being located in part of the Southeast 1/4 of the Southeast 1/4 of Section 30, Town 08 North, Range 10 East, City of Madison, Dane County, Wisconsin, and authorizing the Mayor and City Clerk to accept dedication of lands from Dane County as needed for the proposed improvements to Grim and Swanson Streets (17th AD)

WHEREAS, Dane County executed a quit claim deed and recorded the same on October 16, 1974 in Volume 538 of Records, Page 333, as Document No. 1412331, which conveyed numerous public right-of-ways within the Truax Air Field / Dane County Regional Airport, including sixty (60) feet in width of the subject Shaw Street and Swanson Street right-of-ways; and

WHEREAS, Dane County recorded First Addition to Truax Air Park West on April 25, 1984 in Volume 54 of Plats on Pages 34-38 as Document No. 1829402 which dedicated a sixty-six (66) wide right-of-way for Shaw Street over the previous dedicated sixty (60) feet wide quit claim Shaw Street right-of-way apparently widening six (6) feet to the north; and

WHEREAS, Dane County recorded First Addition to Truax Air Park West on April 25, 1984 in Volume 54 of Plats on Pages 34-38 as Document No. 1829402 which dedicated a sixty-six (66) wide right-of-way for Swanson Street over the previous dedicated sixty (60) feet wide quit claim Swanson Street right-of-way apparently on the same centerline alignment; and

WHEREAS, Dane County Regional Airport has proposed to erect some fencing and gates to increase security around the perimeter of fuel tanks located just north of, and adjacent to the subject public right-of-way, Shaw Street as identified on conceptual drawing prepared by Dane County Regional Airport Exhibit A, which is made part of this resolution; and

WHEREAS, in order to accommodate such plans, Dane County has requested that the City of Madison vacate part of Shaw Street between Grim Street and Swanson Street and also vacate a portion of Swanson Street near the intersection with Shaw Street; and

WHEREAS, Dane County Regional Airport agrees to facilitate through Airport Operations the necessary of access 24 hours a day, seven days a week to all existing public sanitary, water main and other public owned and maintained infrastructure within the Airport's secured perimeter, ; and

WHEREAS, Dane County Regional Airport is the adjacent owner of the abutting property at 2502 Swanson Street and retain sole legal reversionary interest of the Shaw Street vacation area; and

WHEREAS, City of Madison Engineering Division has created Project No. 53W0528-Shaw Street Vacation (Land Records) and 53B2183-Shaw Street Vacation for required public street improvements to remaining Grim and Swanson Streets; and

WHEREAS, City of Madison Real Estate Department has created Project No. 8845 for the administration of the Shaw and Swanson Street Vacation and right-of-way dedication for required public street improvements to remaining Grim and Swanson Streets; and

WHEREAS, City of Madison Real Estate Department requires the owner, Dane County Airport, pay a \$500 administrative fee to administer this project; and

WHEREAS, the City Of Madison Engineering Division does have public water main, public sanitary sewer, public storm sewer facilities or public surface drainage rights within the proposed Shaw and Swanson Street vacation right-of-way areas and public easement rights will be retained within the vacated areas as part of this resolution; and

WHEREAS, the City Of Madison Engineering Division, Fire Department and Streets Division support the vacation/discontinuance of the Shaw Street and Swanson Street right-of-ways

NOW THEREFORE BE IT RESOLVED, that the City Of Madison hereby conditionally discontinues and vacates part of Shaw Street between Grim Street and Swanson Street and part of Swanson Street near the intersection with Shaw Street, being located in part of the Southeast 1/4 of the Southeast 1/4 of Section 30, Town 08 North, Range 10 East, City of Madison, Dane County, Wisconsin under WI Ss 66.1003(2) in accordance with future City Engineer approved construction plans and coordinated plat of survey map and legal description Exhibit B documents; and

NOW THEREFORE BE IT FURTHER RESOLVED, under Section 80.32(4), Wisconsin Statutes, any existing easements or incidental rights within the vacated Shaw Street are perpetuated as part of this vacation, together with permanent access, construction and maintenance easements retained over the entire vacated Shaw and Swanson Street areas for perpetual public infrastructure rights relative, but not limited to, public storm sewer and drainage, sanitary sewer, water main and potential 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 portion of vacated Shaw and Swanson Street public right-of-ways will attach entirely to the adjacent abutting property at 2502 Swanson Street; and

NOW THEREFORE BE IT FURTHER RESOLVED, following adoption of this resolution, public street improvements, including the closure of Shaw Street and new cul-de-sac designs for remaining Grim and Swanson Streets, shall be completed at sole cost to Dane County Regional Airport in a manner satisfactory to the City of Madison and plans prepared and/or approved by the City Engineer; and

NOW THEREFORE BE IT FURTHER RESOLVED, Dane County Regional Airport shall provide at their sole cost, topographic survey information to assist City Engineering for preparation of street plans and a plat of survey map and legal description Exhibit B prepared and stamped by a Registered Land Surveyor, identifying the resultant final vacation/discontinuance area consistent with the plans prepared and/or approved by the City Engineer; 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 Shaw and Swanson Street right-of-ways, the City of Madison Assessor's Office will include the vacated lands with the following City of Madison parcel and the respective owner:

Dane County Regional Airport
2502 Swanson Street
251/0810-304-0309-2

NOW THEREFORE BE IT FURTHER RESOLVED, that the City Clerk validate this street vacation by recordation with the Dane County Register of Deeds, when instructed by the City Engineer to record, following satisfaction of all street vacation conditional requirements; and

NOW THEREFORE BE IT FURTHER RESOLVED, Exhibit A and Exhibit B shall be attached to the final recorded resolution; and

NOW THEREFORE BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized to

execute all necessary documents and accept dedication of required right-of-way for street improvements which will occur for Grim and Swanson Streets as part of this project.

I, Maribeth Witzel-Behl, certify that this is a true copy of Resolution No. 07591, passed by the COMMON COUNCIL on 1/8/2008.

Maribeth Witzel-Behl

Maribeth Witzel-Behl

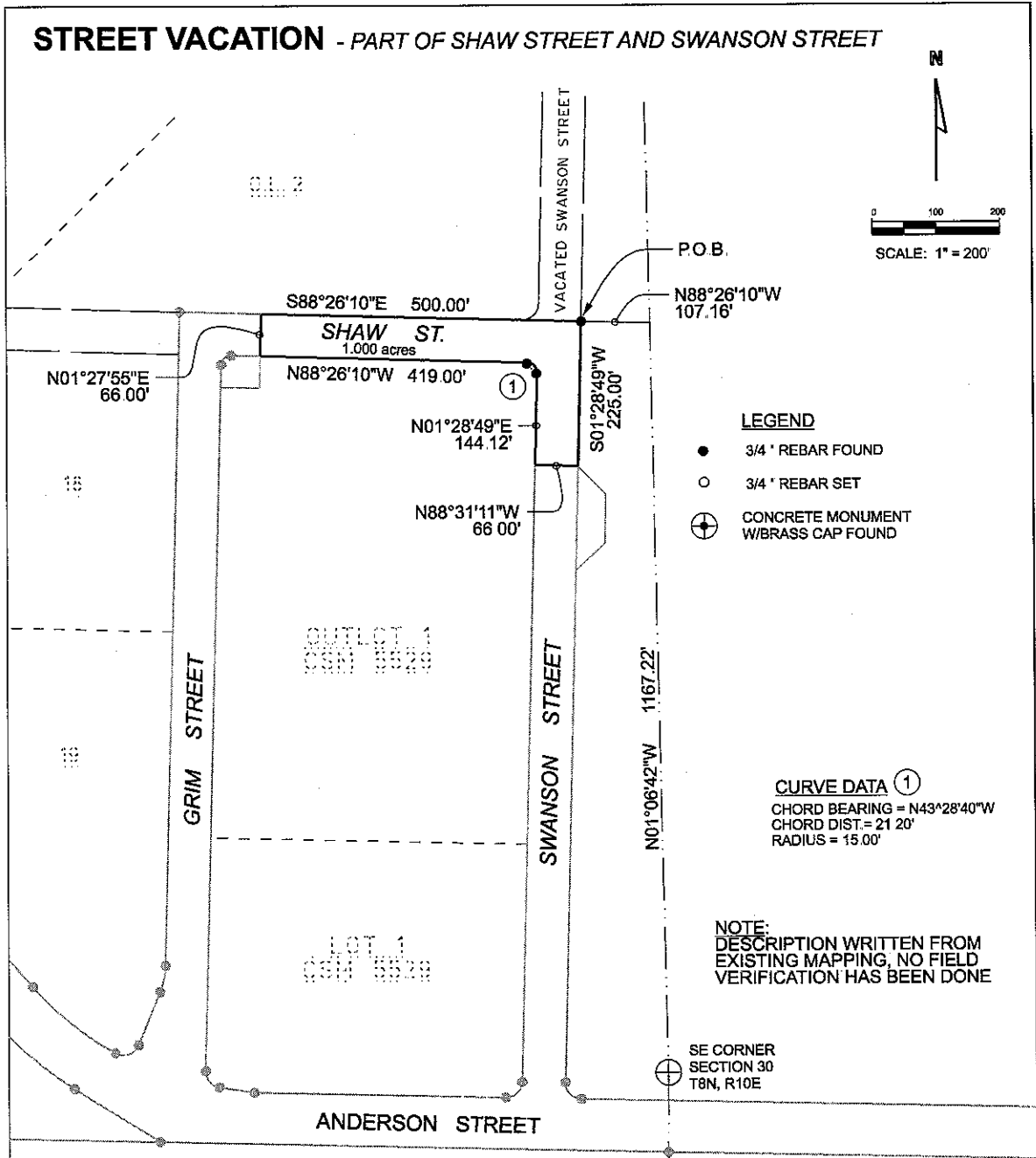
July 24, 2008

Date Certified

NOTE: Please be advised that the document grantor(s) hereby direct viewers to ignore the printed text material on this exhibit. Only the spatial relationships of the illustrations on the plan are being presented for your information.

Signed by grantor(s) or grantor's(s') agent: Maribeth Witzel-Behl Date: 7-24-08 (USE BLACK INK ONLY)

Name of grantor(s) or grantor's(s') agent printed: Maribeth Witzel-Behl (USE BLACK INK ONLY)



DESCRIPTION: A parcel of land located in the SE ¼-SE ¼ of Section 30, T8N, R10E, City of Madison, Dane County, Wisconsin, more fully described as follows:

Commencing at the southeast corner of said Section 30, thence N 1°-06'-42" W, 1167.22 feet, along the east line of said SE ¼; thence N 88°-26'-10" W, 107.16 feet to the east line of Swanson Street and the point of beginning; thence S 1°-28'-49" W, 225.00 feet along said east line; thence N 88°-31'-11" W, 66.00 feet to the west line of said Swanson Street; thence N 1°-28'-49" E, 144.12 feet, along said west line; thence along the arc of a curve to the left whose radius is 15.00 feet and whose long chord bears N 43°-28'-40" W, 21.20 feet to the south line of Shaw Street; thence N 88°-26'-10" W 419.00 feet, thence N 1°-27'-55" E, 66.00 feet to the north line of Shaw Street, thence S 88°-26'-10" E, 500.00 feet, along said north line to the point of beginning.

Parcel contains 43,544 square feet or 1.000 acres, more or less



Mead & Hunt, Inc
6501 Watts Road, Suite 101
Madison, Wisconsin 53719-2700
Phone: 608-273-6380
Fax: 608-273-6391

Dwg. No. 10587
Sheet 1 of 1
Job No. 23099-36-07024