

STREET VACATION

Document Number

Document Title

KRISTI CHLEBOWSKI  
DANE COUNTY  
REGISTER OF DEEDS

DOCUMENT #  
5482732  
04/23/2019 12:44 PM  
Trans Fee:  
Exempt #:  
Rec. Fee: 30.00  
Pages: 21

This is to certify that the foregoing resolution was adopted by the Common Council of the City of Madison, Wisconsin at a meeting held on the 5<sup>th</sup> day of March, 2019. A copy of the resolution is attached.

Commerce Park Drive  
Discontinuing and vacating a portion of the public street right-of-way.  
Resolution 19-00186  
ID#: 54383

Recording Area

Name and Return Address

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

Parcel Identification Number (PIN)

April 23, 2019  
Date

Maribeth Witzel-Behl  
Signature of Clerk

Maribeth Witzel-Behl, City Clerk  
\*Name printed

Date

n/a  
Signature of Grantor

\*Name printed

STATE OF WISCONSIN, County of Dane

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

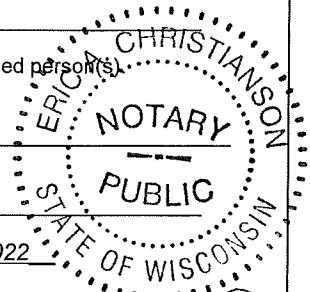
Eric Christianson

Subscribed and sworn to before me on April 23, 2019 by the above named person(s).

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

Print or type name: Eric Christianson

Title: Certified Municipal Clerk Date commission expires: 3/27/2022



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

This information must be completed by submitter: document title, name & return address, and PIN (if required). Other information such as the granting clauses, legal description, etc., may be placed on this first page of the document or may be placed on additional pages of the document. Note: Use of this cover page adds one page to your document and \$2.00 to the recording fee. Wisconsin Statutes, 59.43(2m). USE BLACK INK. WRDA 5/1999

21



# City of Madison

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

## Certified Copy

Resolution: RES-19-00186

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**File Number: 54383**

**Enactment Number: RES-19-00186**

Discontinuing and vacating a portion of the public street right-of-way Commerce Park Drive, being located in the SE ¼ of the SW 1/4 of Section 9, Township 8 North, Range 10 East, City of Madison, Dane County, Wisconsin. (17th AD).

WHEREAS, the plat of Interstate Commerce park was conditionally reapproved by the City of Madison Common by Enactment Number RES-05-00737, File I.D. Number 01909, as adopted on the 6thth of September, 2005 and the said Enactment provided for the acceptance of the lands dedicated for public street right-of-ways and public alleys; and,

WHEREAS, the plat of Interstate Commerce Park was subsequently recorded upon the satisfaction of the conditions of approval on the 29th of November, 2005 in Volume 58-095A of Plats on pages 485-487, as Document Number 4137450, Dane County Register of Deeds; and,

WHEREAS, on January 11th, 2019, a written petition was submitted to the City of Madison Engineer to vacate and discontinue a portion of Commerce Park Drive. The written petition for vacation and discontinuance includes the signatures of all owners of lands abutting the portion of Commerce Park Drive to be vacated and discontinued and also the signatures of the owners of more than one-third of the frontage of the lots and lands abutting on the portion of the public right-of-way that remains east of the proposed vacation and discontinuance. The said written petition and exhibits are attached hereto and made part of this resolution; and,

WHEREAS, the portion of the public right-of-way of Commerce Park Drive to be vacated and discontinued is as shown and mapped on Exhibit B and legally described on Exhibit A, both of which are attached hereto and made part of this resolution; and,

WHEREAS, the portion of Commerce Park Drive to be vacated and discontinued and adjacent Lots 1, 2, 3, 4, 8, 9, and 10 of said Interstate Commerce Park are to be incorporated as part of a proposed development project ("Development"), currently under review by City staff as site verification I.D. LNDSPR-2019-00003. A copy of the preliminary site plan of the Development is attached hereto and made part of this resolution as Exhibit C showing the proposed development and the portion of Commerce Park Drive to be vacated and discontinued; and,

WHEREAS, the City of Madison Common Council has before it a Resolution, per legislative File I.D. Number 53924, to authorize the Mayor and City Clerk to enter into an Early Attachment and Revenue Sharing Agreement with the Town of Burke to facilitate the attachment of Town of Burke parcels to the City of Madison located at 4202-4210 Hoepker Road (Tax Parcel ID Numbers 014/0810-093-8730-0 and 014/0810-093-9290-7). These parcels are also to be incorporated as part of the Development as shown on the attached Exhibit C; and,

WHEREAS, an application has been submitted to the City of Madison Planning Department by the Developer for a Certified Survey Map / Land Division, to create the lots and public road right-of-ways necessary for the Development; and,

WHEREAS, the proposed Certified Survey Map may not be recorded and the Development approved

until that portion of Commerce Park Drive dedicated to the public for street right-of-way purposes has been properly vacated and discontinued under s. 66.1003 Wisconsin Statutes; and,

WHEREAS, the City Of Madison currently does not have any public improvements within the public right-of-way to be vacated and discontinued; and,

WHEREAS, this vacation and discontinuance will not result in a landlocked parcel of property due to the current common ownership of Lots 1, 2, 3, 4, 7, 8, 9, 10 and 15 of Interstate Commerce Park; and,

WHEREAS, the City Engineering Division recommends approval of this partial public right-of-way vacation and discontinuance subject to conditions as noted herein,

NOW THEREFORE BE IT RESOLVED, the City Of Madison hereby conditionally vacates and discontinues the remaining public right-of-way of Commerce Park Drive as shown on attached map Exhibit B and described on the attached Exhibit A, under Wisconsin ss. 66.1003(2), upon the following conditions to the satisfaction of the City Engineer.

- The attachment of Town of Burke parcels to the City of Madison that are currently located at 4202-4210 Hoepker Road. (Existing Tax Parcel ID Numbers 014/0810-093-8730-0 and 014/0810-093-9290-7)
- The Developer obtains a conditional site plan approval for the Development that, as determined by the City Engineer, is consistent with vacation and discontinuance of the portion of Commerce Park Drive described herein.
- The Developer shall enter into a development agreement(s) as required by the City of Madison City Engineer in conjunction with the approval of the Development.

BE IT FURTHER RESOLVED, that under Section 66.1005(2)(a)(1), the City Of Madison releases all easements and rights it may have within the public right-of-ways being vacated and discontinued; and,

BE IT FURTHER RESOLVED, under Section 66.1005(2), Wisconsin Statutes, other than those easements and rights released above, any other existing easements and rights that exist within the vacated and discontinued public right-of-ways shall continue unless as otherwise provided by statute; and,

BE IT FURTHER RESOLVED, under Section 66.1005(1), Wisconsin Statutes, reversionary rights of the public right-of-ways and unpaved public alleys herein vacated and discontinued shall attach to the adjacent properties as provided by Statute; and,

BE IT FINALLY RESOLVED, upon Common Council adoption of this resolution and completion all street vacation and discontinuance conditions identified above to the satisfaction of the City Engineer, the City Engineer will then authorize the City Clerk to validate and make effective this street vacation and discontinuance by recording it with all supplemental map exhibits 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. 19-00186, adopted by the Madison Common Council on March 5, 2019.

Maribeth Witzel-Behl

4-23-2019  
Date Certified

January 8, 2019

City of Madison City Engineer  
Robert Phillips, City Engineer  
210 Martin Luther King Jr. Blvd., Room 115  
Madison, WI 53703

### PETITION TO VACATE A PORTION OF RIGHT-OF-WAY

This Petition is made pursuant to Wis. Stat. sec. 66.1003, to vacate areas dedicated to the public. The undersigned Petitioners petition and state the following:

1. Pursuant to development of real property in Interstate Commerce Park, in the City of Madison, Wisconsin, the landowners abutting Commerce Park Drive have determined that a portion of this right of way is not needed for public right of way purposes, and that the public interest requires that the City's interest in that piece of property be vacated and discontinued. The area to be vacated and discontinued (the "Discontinued Property") is identified in the attached Exhibits A (Legal Description) and B (Map).

2. The undersigned are the owners of all the frontage abutting upon the Discontinued Property. Also, Interstate Commerce Park, Inc. owns more than one-third of the frontage of the lots and lands abutting on the portion of Commerce Park Drive that will not become Discontinued Property. The undersigned therefore submits this petition in accordance with Section 66.1003(2), Wis. Stats., seeking the City's approval to vacate and discontinue the Discontinued Property.

3. In accordance with Section 66.1003(8), Wis. Stats., the petitioners request that the City of Madison Common Council: introduce this petition at its January 22, 2019 meeting; adopt a resolution vacating and discontinuing the Discontinued Property; and publish a class 3 notice under ch. 985, Wis. Stats., stating when and where the petition will be acted upon, as required by statute.

**Madison Office**

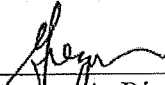
222 West Washington Avenue 608.256.0226  
P.O. Box 1784 888.655.4752  
Madison, Wisconsin Fax 608.259.2600  
53701-1784 www.staffordlaw.com

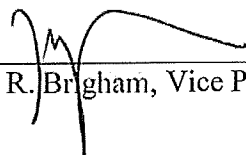
**Milwaukee Office**

1200 North Mayfair Road 414.982.2850  
Suite 430 888.655.4752  
Milwaukee, Wisconsin Fax 414.982.2889  
53226-3282 www.staffordlaw.com

**PETITIONERS:**

**Interstate Commerce Park, Corp.**

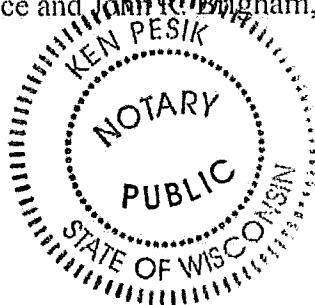
By:   
Gregory A. Rice, President


By:   
John R. Brigham, Vice President

STATE OF WISCONSIN

COUNTY OF DANE

Personally came before me this 8<sup>th</sup> day of January, 2019, the above-named Gregory A. Rice and ~~John R. Brigham~~ to me known to be the persons who executed the foregoing document.



  
Notary Public, State of Wisconsin  
My Commission expires: 6/19/20

**CONSENTING ABUTTING PROPERTY OWNER:**

**Hooper Corporation**

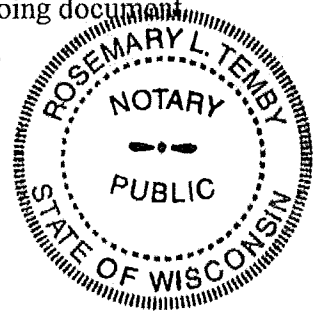
By: Robert Schaller  
Sec/Treas

STATE OF WISCONSIN

COUNTY OF DANE

Personally came before me this 10<sup>th</sup> day of January, 2019, the above-named Robert Schaller, to me known to be the person who executed the foregoing document.

Rosemary L. Temby  
Notary Public, State of Wisconsin  
My Commission expires: 2/1/19



**EXHIBIT A: LEGAL DESCRIPTION OF THE DISCONTINUED PROPERTY**

**EXHIBIT**

**Description, Commerce Park Drive Vacation**

Part of Commerce Park Drive as platted and dedicated on the plat of Interstate Commerce Park, as recorded in Volume 58-095A of Plats, page 485 as document Number 4137450, being located in part of the SE ¼ of the SW ¼ of Section 9, T.8N., R.10E., City of Madison, Dane County, Wisconsin, and more fully described as follows:

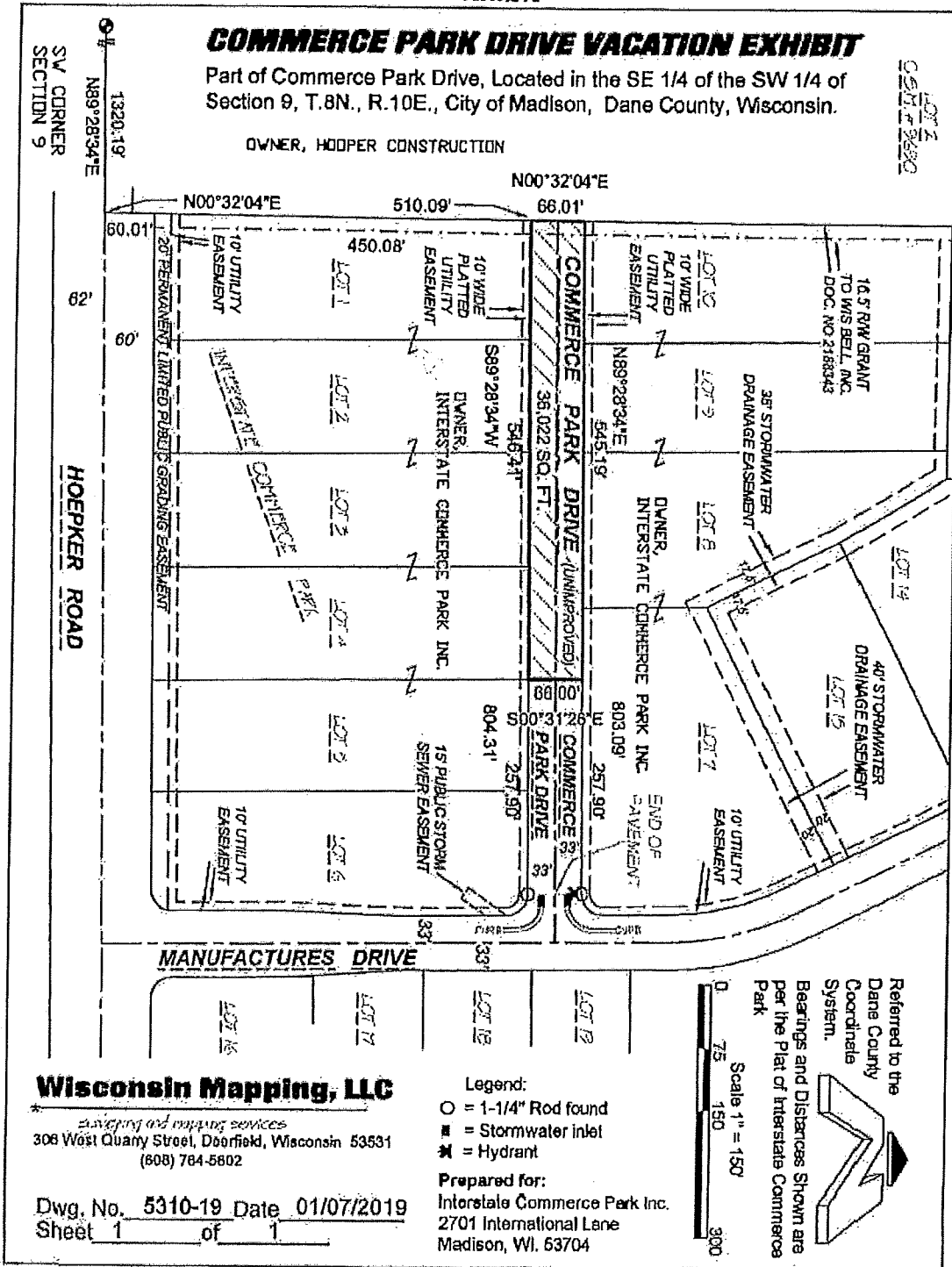
Beginning at the Northwest corner of Lot 1 of the plat of Interstate Commerce Park, said point also being the Southwest corner of platted Commerce Park Drive; thence N00°32'04"E along the West line of Commerce Park Drive, 66.01 feet to its Northwest corner thereof and the Southwest corner of Lot 10 of the aforesaid plat; thence N89°28'34"E along the North line of Commerce Park Drive, 545.19 feet; thence S00°31'26"E, 66.00 feet to the South line of said Drive and the Northeast corner of Lot 4 of said plat; thence S89°28'34"W along said South line, 546.41 feet to the point of beginning. The above described containing 0.827 acres, or 36,022 square feet.





**EXHIBIT B: MAP OF THE DISCONTINUED PROPERTY**

**Exhibit**



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: April 23, 2019



19-03

**NOTICE OF LIS PENDENS**  
**Public Way Vacation and**  
**Discontinuance**

State of Wisconsin, County of Dane

In the matter of a resolution of the Common Council of the City of Madison Vacating and Discontinuing the following:

A portion of the public right-of-way of Commerce Park Drive located west of the intersection with Manufacturers Drive, in the City of Madison, Dane County, Wisconsin.

TO WHOM IT MAY CONCERN, notice is hereby given that there was filed a petition with the City of Madison City Engineer, a petition attached as Exhibit C, requesting the vacation and discontinuance of the public right of way as shown on the attached Exhibit B and described on the attached Exhibit A in accordance with Subsections 66.1003(2), Wisconsin Statutes, by the City of Madison, Wisconsin.

KRISTI CHLEBOWSKI  
DANE COUNTY  
REGISTER OF DEEDS

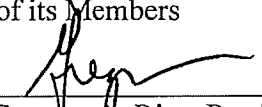
DOCUMENT #  
5464469  
01/09/2019 02:35 PM  
Trans Fee:  
Exempt #:  
Rec. Fee: 30.00  
Pages: 9

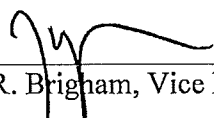
RETURN TO: Stafford Rosenbaum LLP  
Attn: James I. Statz  
222 West Washington Ave. Ste. 900  
Madison, WI 53703

Tax Parcel No.: None – Public Right-of-Way

Dated this 8th day of January, 2019.

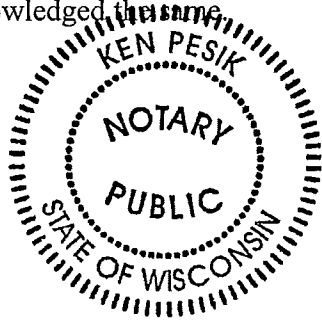
**Interstate Commerce Park Corp., Inc.**  
By: Interstate Commerce Park Corp., Inc.  
Its: Majority Member  
By: All of its Members

By:   
\_\_\_\_\_  
Gregory A. Rice, President

By:   
\_\_\_\_\_  
John R. Brigham, Vice President

State of Wisconsin )  
  )ss.  
County of Dane        )

Personally came before me this 8<sup>th</sup> day of January, 2019, the above named Gregory A. Rice and John R. Brigham, acting in said capacity and known by me to be the persons who executed the foregoing instrument and acknowledged ~~the same~~



*Ken Pesik*  
Notary Public, State of Wisconsin  
KEN PESIK  
Print or Type Name  
My Commission: 6/19/20

Drafted by James I. Statz  
Stafford Rosenbaum LLP  
222 West Washington Ave. Ste. 900  
Madison, WI 53703

## EXHIBIT A: LEGAL DESCRIPTION OF THE DISCONTINUED PROPERTY

### EXHIBIT

#### Description, Commerce Park Drive Vacation

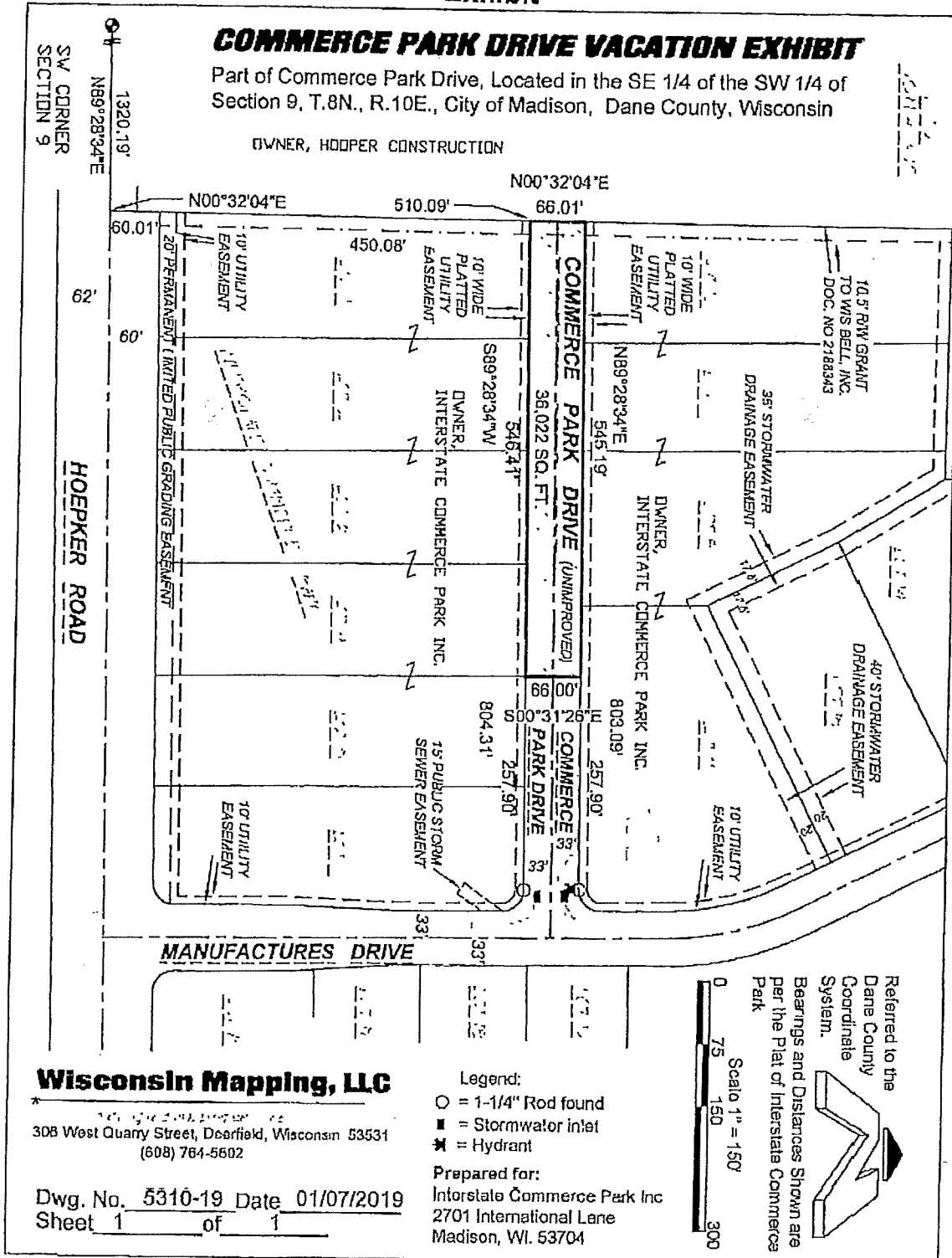
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EXHIBIT B: MAP OF THE DISCONTINUED AREA

Exhibit



**Wisconsin Mapping, LLC**

308 West Quarry Street, Deerfield, Wisconsin 53531  
(608) 764-5602

Dwg. No. 5310-19 Date 01/07/2019  
Sheet 1 of 1

- Legend:
- = 1-1/4" Rod found
  - = Stormwater inlet
  - ★ = Hydrant

Prepared for:  
Interstate Commerce Park Inc  
2701 International Lane  
Madison, WI. 53704

Referred to the  
Dane County  
Coordinate  
System.  
Bearings and Distances Shown are  
per the Plat of Interstate Commerce  
Park

Scale 1" = 150'

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: April 23, 2019  
Name of grantor(s) or grantor(s) agent printed: Maribeth Witzel-Behl

## EXHIBIT C: COPY OF VACATION PETITION SENT TO CITY ENGINEER

January 9, 2019

City of Madison City Engineer  
Robert Phillips, City Engineer  
210 Martin Luther King Jr. Blvd., Room 115  
Madison, WI 53703

### PETITION TO VACATE A PORTION OF RIGHT-OF-WAY

This Petition is made pursuant to Wis. Stat. sec. 66.1003, to vacate areas dedicated to the public. The undersigned Petitioners petition and state the following:

1. Pursuant to development of real property in Interstate Commerce Park, in the City of Madison, Wisconsin, the landowners abutting Commerce Park Drive have determined that a portion of this right of way is not needed for public right of way purposes, and that the public interest requires that the City's interest in that piece of property be vacated and discontinued. The area to be vacated and discontinued (the "Discontinued Property") is identified in the attached Exhibits A (Legal Description) and B (Map).

2. The undersigned are the owners of all the frontage abutting upon the Discontinued Property. Also, Interstate Commerce Park, Inc. owns more than one-third of the frontage of the lots and lands abutting on the portion of Commerce Park Drive that will not become Discontinued Property. The undersigned therefore submits this petition in accordance with Section 66.1003(2), Wis. Stats., seeking the City's approval to vacate and discontinue the Discontinued Property.

3. In accordance with Section 66.1003(8), Wis. Stats., the petitioners request that the City of Madison Common Council: introduce this petition at its January 22, 2019 meeting; adopt a resolution vacating and discontinuing the Discontinued Property; and publish a class 3 notice under ch. 985, Wis. Stats., stating when and where the petition will be acted upon, as required by statute.

**PETITIONERS:**

**Interstate Commerce Park, Corp.**

By: \_\_\_\_\_  
Gregory A. Rice, President

By: \_\_\_\_\_  
John R. Brigham, Vice President

STATE OF WISCONSIN

COUNTY OF DANE

Personally came before me this \_\_\_\_\_ day of January, 2019, the above-named Gregory A. Rice and John R. Brigham, to me known to be the persons who executed the foregoing document.

\_\_\_\_\_  
Notary Public, State of Wisconsin  
My Commission expires: \_\_\_\_\_

**CONSENTING ABUTTING PROPERTY OWNER:**

**Hooper Corporation**

By: \_\_\_\_\_

\_\_\_\_\_

STATE OF WISCONSIN

COUNTY OF DANE

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Notary Public, State of Wisconsin  
My Commission expires: \_\_\_\_\_



# EXHIBIT A: LEGAL DESCRIPTION OF THE DISCONTINUED PROPERTY

## EXHIBIT

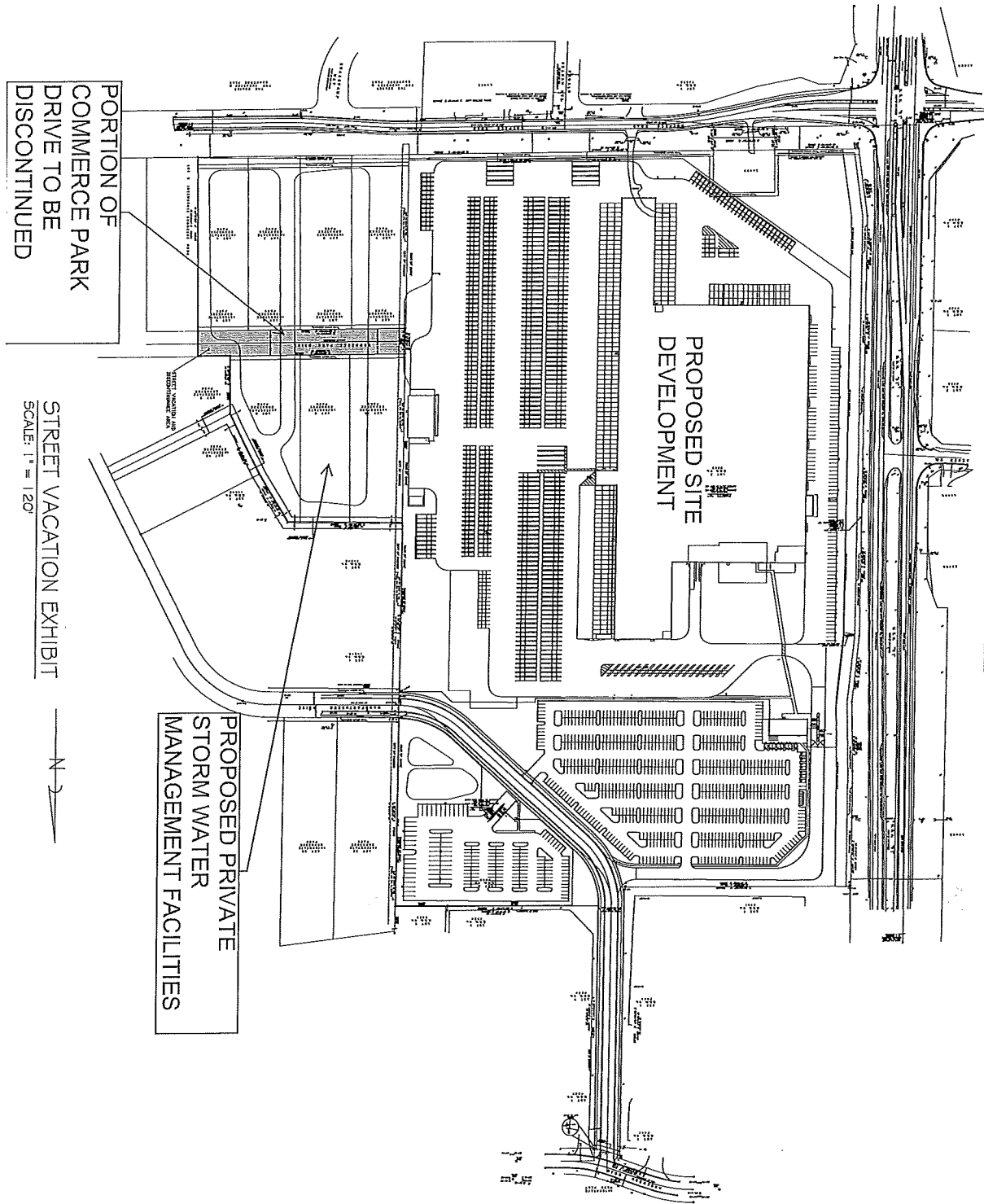
### Description, Commerce Park Drive Vacation

Part of Commerce Park Drive as platted and dedicated on the plat of Interstate Commerce Park, as recorded in Volume 58-095A of Plats, page 485 as document Number 4137450, being located in part of the SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 9, T.8N., R.10E., City of Madison, Dane County, Wisconsin, and more fully described as follows:

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# EXHIBIT C



PORTION OF  
COMMERCE PARK  
DRIVE TO BE  
DISCONTINUED

PROPOSED SITE  
DEVELOPMENT

PROPOSED PRIVATE  
STORM WATER  
MANAGEMENT FACILITIES

STREET VACATION EXHIBIT  
SCALE: 1" = 120'



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: April 23, 2019

NO.	REV'S	DATE

PREPARED BY: \_\_\_\_\_  
 CHECKED BY: \_\_\_\_\_  
 DATE: \_\_\_\_\_  
 SHEET NO: \_\_\_\_\_

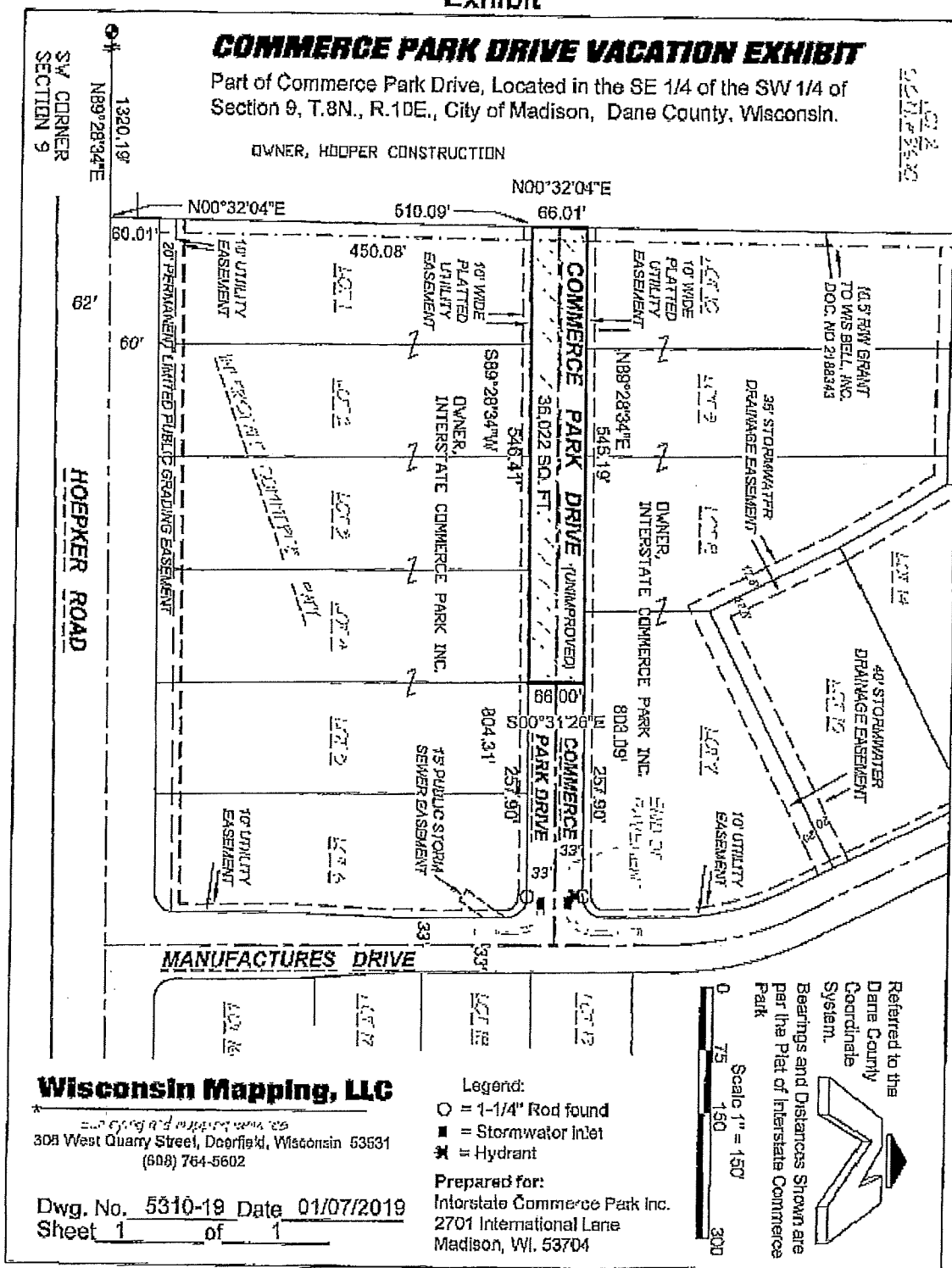
PACKAGE DISTRIBUTION FACILITY  
MADISON, WI

**RUEDEBUSCH DEVELOPMENT & CONSTRUCTION**  
 DEVELOPMENT • CONSTRUCTION • LEASING • CONSULTING  
 4505 DOWMAN DRIVE MADISON, WI 53704  
 PHONE 608.249.2012 FAX 608.249.2012

XC1.0

EXHIBIT B: MAP OF THE DISCONTINUED PROPERTY

Exhibit



SW CORNER SECTION 9  
N89°28'34"E  
1320.19'

**COMMERCE PARK DRIVE VACATION EXHIBIT**

Part of Commerce Park Drive, Located in the SE 1/4 of the SW 1/4 of Section 9, T.8N., R.10E., City of Madison, Dane County, Wisconsin.

OWNER, HOEPKER CONSTRUCTION

5/12/2019  
10:23:20

**Wisconsin Mapping, LLC**

308 West Quarry Street, Deerfield, Wisconsin 53531  
(608) 764-5602

Dwg. No. 5310-19 Date 01/07/2019  
Sheet 1 of 1

- Legend:  
 ○ = 1-1/4" Rod found  
 ■ = Stormwater Inlet  
 \* = Hydrant

Prepared for:  
 Interstate Commerce Park Inc.  
 2701 International Lane  
 Madison, WI 53704

Scale 1" = 150'  
 0 75 150 300

Referred to the  
 Dane County  
 Coordinate  
 System.  
 Bearings and Distances Shown are  
 per the Plat of Interstate Commerce  
 Park

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Signed by grantor(s) or grantor(s) agent: Maribeth Witzel-Behl Date: April 23, 2019

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

# Exhibit

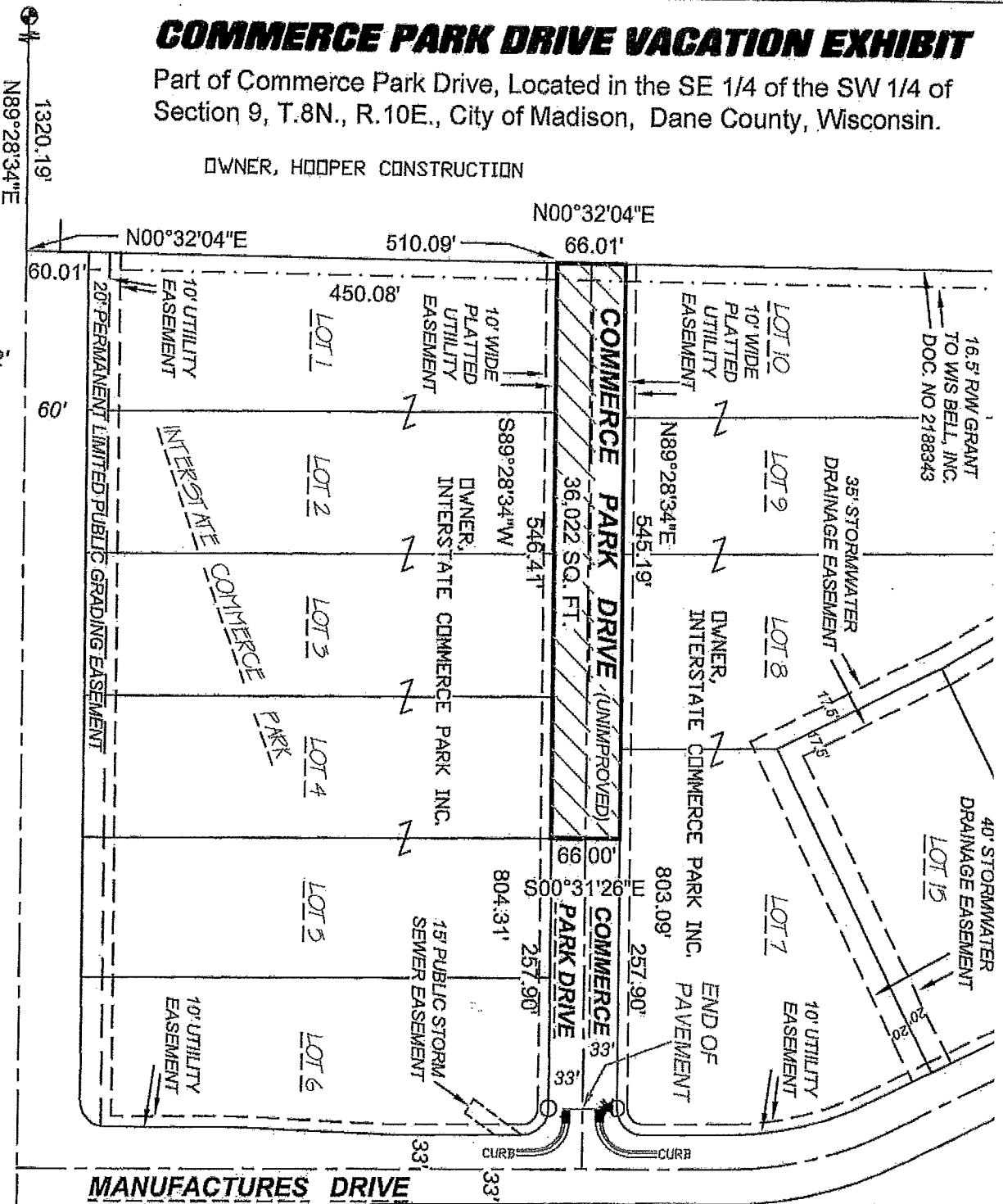
## COMMERCE PARK DRIVE VACATION EXHIBIT

Part of Commerce Park Drive, Located in the SE 1/4 of the SW 1/4 of Section 9, T.8N., R.10E., City of Madison, Dane County, Wisconsin.

OWNER, HOOPER CONSTRUCTION

LOT 2  
CSM # 286

SW CORNER  
SECTION 9



NOTE: THE ILLUSTRATIONS ON THIS MAP ARE BEING PRESENTED FOR YOUR INFORMATION. ONLY THE PRINTED TEXT MATERIAL ON THIS MAP IS TO BE CONSIDERED. THE ILLUSTRATIONS ON THIS MAP ARE BEING PRESENTED FOR YOUR INFORMATION.

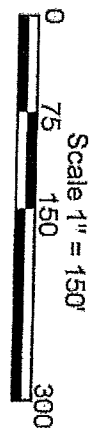
Date: April 23, 2019

Maribeth Witzel-Beh

Signed by grantor(s) or grantor(s) agent: Maribeth Witzel-Beh

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

Dane County Coordinate System.  
Bearings and Distances Shown are per the Plat of Interstate Commerce Park



- Legend:
- = 1-1/4" Rod found
  - = Stormwater inlet
  - ✱ = Hydrant

Prepared for:  
Interstate Commerce Park Inc.  
2701 International Lane  
Madison, WI. 53704

**Wisconsin Mapping, LLC**  
surveying and mapping services  
306 West Quarry Street, Deerfield, Wisconsin 53531  
(608) 764-5602

Dwg. No. 5310-19 Date 01/07/2019  
Sheet 1 of 1

**EXHIBIT**

Description, Commerce Park Drive Vacation

Part of Commerce Park Drive as platted and dedicated on the plat of Interstate Commerce Park, as recorded in Volume 58-095A of Plats, page 485 as document Number 4137450, being located in part of the SE ¼ of the SW ¼ of Section 9, T.8N., R.10E., City of Madison, Dane County, Wisconsin, and more fully described as follows:

Beginning at the Northwest corner of Lot 1 of the plat of Interstate Commerce Park, said point also being the Southwest corner of platted Commerce Park Drive; thence N00°32'04"E along the West line of Commerce Park Drive, 66.01 feet to its Northwest corner thereof and the Southwest corner of Lot 10 of the aforesaid plat; thence N89°28'34"E along the North line of Commerce Park Drive, 545.19 feet; thence S00°31'26"E, 66.00 feet to the South line of said Drive and the Northeast corner of Lot 4 of said plat; thence S89°28'34"W along said South line, 546.41 feet to the point of beginning. The above described containing 0.827 acres, or 36,022 square feet.

