



Department of Revenue  
**Office of the City Clerk**

City-County Building, Room 103  
210 Martin Luther King, Jr. Boulevard  
Madison, Wisconsin 53703-3342  
PH: 608 266 4601  
TDD: 608 266 6573  
FAX: 608 266 4666

CITY OF MADISON  
**INTER-DEPARTMENTAL**  
CORRESPONDENCE

DATE: October 31, 2006

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

FROM: Tammy Peters, City Clerk's Office

SUBJECT: **STREET VACATION**

Attached is a certified copy vacating a portion of unimproved public alley right-of-way dedicated by, and located within, Block 2, Wingra Heights plat. Portion to be vacated is adjacent to Lots 5 through 10 (inclusive), Block 2, Wingra Heights plat, being located in part of the Northeast ¼ of the Northeast 1/4 of Section 27, Town 07 North, Range 09 East, City of Madison, Dane County, Wisconsin. Enactment #: RES-06-00600, File ID #: 03746. The resolution was adopted at a meeting of the Common Council held on July 18, 2006.

It was recorded in the Register of Deeds Office on August 25, 2006:

**Document No. 4228877**

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  
David Denig-Chakroff, Water Utility Manager  
Jim Morgan, 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 Certified Copy

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

Resolution: RES-06-00600

**File Number: 03746**

**Enactment Number: RES-06-00600**

Vacating a portion of unimproved public alley right-of-way dedicated by, and located within, Block 2, Wingra Heights plat. Portion to be vacated is adjacent to Lots 5 through 10 (inclusive), Block 2, Wingra Heights plat, being located in part of the Northeast ¼ of the Northeast 1/4 of Section 27, Town 07 North, Range 09 East, City of Madison, Dane County, Wisconsin. (13th AD)

**WHEREAS**, the Plat of "Wingra Heights" was recorded May 1, 1895 in Volume 1 of Plats on Page 26 as Document No. 205817, Dane County Registry; and

**WHEREAS**, the Plat of "Wingra Heights" dedicated a fifteen (15) feet public alley parallel with and adjacent to the south line of Block Two (2); and

**WHEREAS**, St Marys Hospital Medical Center is the owner of all abutting properties, with legal reversionary interest, of the proposed public alley vacation area; and

**WHEREAS**, St. Marys Hospital Medical Center, the owner of all abutting properties, petitioned the City of Madison on May 15, 2006, to vacate/discontinue a portion of public alley; and

**WHEREAS**, that petition to vacate/discontinue a portion of public alley is part of this File I.D. matter; and

**WHEREAS**, the proposed public alley vacation is requested to facilitate a proposed Arboretum Cohousing Inc. PUD Development Plan submitted to the City of Madison for approval at 1135 Erin Street; and

**WHEREAS**, the proposed Arboretum Cohousing Inc. PUD Development Plan for 1135 Erin Street is scheduled for City of Madison approval at the Common Council meeting of June 6, 2006 as File I.D. No. 03425; and

**WHEREAS**, if the proposed Arboretum Cohousing Inc. PUD Development Plan for 1135 Erin Street is approved by the City of Madison at the Common Council meeting of June 6, 2006, Arboretum Cohousing Inc. plans to purchase lands from St Marys in September to facilitate the project; and

**WHEREAS**, City of Madison Engineering Division has created Project No 53W0377-Public Alley Vacation-Wingra Heights, Block 2; and

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

**WHEREAS**, the City Of Madison has records of improved pavement area, east of the proposed vacated area, west to South mills Street; and

**WHEREAS**, this existing improved public alley area, east of the proposed vacated area, will remain public alley and open to public use; and

**WHEREAS**, the City Of Madison does not have any existing public facilities (sanitary sewer, storm sewer or water main) within the proposed vacated/discontinued public alley lands; and

**NOW THEREFORE BE IT RESOLVED**, that the City Of Madison hereby conditionally discontinues and vacates the portion of public alley under WI Ss 66 1003(2) as shown on attached map and legal descriptions; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, under Section 80 32(4), Wisconsin Statutes, any easements

or incidental rights within the vacated public alley, with the exception of City of Madison, are perpetuated unless released as part of this vacation;

**NOW THEREFORE BE IT FURTHER RESOLVED**, under Section 66.1005(1), Wisconsin Statutes, reversionary rights of the vacated public alley are attached entirely to the adjacent platted Lots 5 through 10 (inclusive), Block 2, Wingra Heights to the north because it has been ascertained that the entire public alley was dedicated by the Wingra Heights plat and originally belonged to those lands. No reversionary rights exist to St Marys land south of this alley (Lot 1, CSM 11315); and

**NOW THEREFORE BE IT FURTHER RESOLVED**, following adoption of this resolution and the planned real estate closing from St Marys to Arboretum Cohousing Inc., John Merrill, President Arboretum Cohousing Inc, as owner agent will request that the City of Madison Assessor's Office combine all of the following City of Madison Parcel Identification Numbers, into one (1) parent parcel:

- |                     |                     |                     |
|---------------------|---------------------|---------------------|
| 251/0709-271-0108-3 | 251/0709-271-0109-1 | 251/0709-271-0110-8 |
| 251/0709-271-0111-6 | 251/0709-271-0112-4 | 251/0709-271-0113-2 |
| 251/0709-271-0114-0 | 251/0709-271-0115-8 | 251/0709-271-0116-6 |
| 251/0709-271-0117-4 | 251/0709-271-0118-2 | 251/0709-271-0119-0 |
| 251/0709-271-0120-7 | 251/0709-271-0121-5 |                     |

**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-06-00600, passed by the COMMON COUNCIL on 7/18/2006.

Maribeth Witzel-Behl  
Maribeth Witzel-Behl, City Clerk

10/31/06  
Date Certified