



## Office of the City Clerk

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Room 103  
210 Martin Luther King, Jr. Boulevard  
Madison, Wisconsin 53703-3342  
PH 608 266 4601  
TDD 608 266 6573  
FAX 608 266 4666  
[www.cityofmadison/clerk](http://www.cityofmadison/clerk)

**CITY OF MADISON**  
***INTER-DEPARTMENTAL***  
**CORRESPONDENCE**

DATE: July 24, 2008

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

FROM: Tammy Peters, City Clerk's Office

SUBJECT: **STREET VACATION**

Vacating a portion of unimproved Wheeler Road right-of-way from existing improved Wheeler Road to the southerly prolongation of the westerly line of Lot Eleven (11), 1st Addition to Cherokee Park being located in part of the Southeast ¼ of the Southwest ¼ and part of the Southwest ¼ of the Southeast 1/4 of Section 24, Town 08 North, Range 09 East, City of Madison, Dane County, Wisconsin. Enactment #: RES-08-00494, File ID #: 09559. The resolution was adopted at a meeting of the Common Council held on May 20, 2008.

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

**Document No. 4434930**

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 3 4 9 3 0 4 \*

DANE COUNTY

REGISTER OF DEEDS

DOCUMENT #

4434930

05/28/2008

10:58AM

Exempt #:

Rec. Fee: 17.00

Pages: 4

# RESOLUTION

Use black Ink

At the (City) / Village / Town) of Madison

*Circle one*

official meeting held on May 20, 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")*

Vacating a portion of unimproved Wheeler Road right-of-way from existing improved Wheeler Road.

File #: 09559  
Resolution #: RES-08-00494

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

Recording area

Name and return address:

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

PARCEL IDENTIFICATION NUMBER\*  
(\*Not required for road right of ways)

*Maribeth Witzel-Behl*

\_\_\_\_\_  
Signature of City/Village/Town official

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name printed

\_\_\_\_\_  
Title

STATE OF WISCONSIN, County of DANE

Subscribed and sworn to before me on May 28, 2008 by the above named person(s)

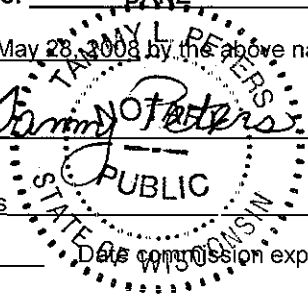
Signature of notary or other person authorized to administer an oath  
(as per s 706.06, 706.07)

*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

4/17



# City of Madison

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

## Certified Copy

Resolution: RES-08-00494

**File Number: 09559**

**Enactment Number: RES-08-00494**

Vacating a portion of unimproved Wheeler Road right-of-way from existing improved Wheeler Road to the southerly prolongation of the westerly line of Lot Eleven (11), 1st Addition to Cherokee Park being located in part of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  and part of the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 24, Town 08 North, Range 09 East, City of Madison, Dane County, Wisconsin.

**WHEREAS**, the Plat of "Cherokee Park" was recorded in the Town of Westport on February 25, 1966 in Volume 31 of Plats on Pages 20 and 21 as Document No. 1154806, Dane County Registry; and

**WHEREAS**, the Plat of "Cherokee Park" dedicated 120 feet of Wheeler Road right-of-way to the Town of Westport north of the existing Wheeler Road; and

**WHEREAS**, the City of Madison annexed this property as part of a larger annexation area from the Town of Westport per Ordinance No. 2010, File No. 5046-142, adopted March 24, 1966; and

**WHEREAS**, Wheeler Road was planned in the mid-1960's for relocation to the north between Delaware Boulevard and Comanche Way / Wyoming Way; and

**WHEREAS**, the proposed Wheeler Road relocation to the north between Delaware Boulevard and Comanche Way / Wyoming Way was never approved nor improved; and

**WHEREAS**, the City Of Madison has existing public sanitary sewer and significant public storm water surface drainage within the proposed vacated/discontinued Wheeler Road lands; and

**NOW THEREFORE BE IT RESOLVED**, the City of Madison retains a public storm water drainage easement within the vacated/discontinued Wheeler Road lands as there is significant public storm water surface drainage currently being discharged into this vacated/discontinued public right-of-way land area. Cherokee Park Inc. may request the City release this public easement if they were to provide alternative storm water drainage measures as part of their proposed development plan for this immediate area satisfactory to the City Engineer

**NOW THEREFORE BE IT FURTHER RESOLVED**, that the City Of Madison retains a 20 feet wide exclusive public sanitary sewer easement for the existing public sanitary sewer over the southerly 20 feet of the vacated Wheeler Road area; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, if additional public sanitary sewer easement is required south of the proposed vacated area, then Cherokee Park Inc., or the current owner of record, shall convey the necessary easements to the City of Madison, or relocate these public facilities as approved by the City Engineer, solely at the owner's expense; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, that the City Of Madison hereby conditionally discontinues and vacates the portion of Wheeler Road under WI Ss 66.296(2) as mapped and described on attached "STREET VACATION MAP"; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, under Section 80 32(4), Wisconsin Statutes, any easements or incidental rights within the vacated Wheeler Road, are perpetuated unless released as part of this vacation;

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

**PUBLIC HEARING NOTICE MAILING LIST:**

House Number 5102  
Street Dir  
Street Name COMANCHE  
Street Type WAY  
Zip Code 53704  
Land Parcel Num 080924302013  
Owner Name 1 HALBERG, RICHARD B  
Owner Name 2 & SARA L HALBERG  
Owner Address 5102 COMANCHE WAY  
Owner City MADISON  
Owner State WI  
Owner Zip 53704

House Number 1302  
Street Dir  
Street Name WHEELER  
Street Type RD  
Zip Code 53704  
Land Parcel Num 080924301015  
Owner Name 1 CHEROKEE PARK INC  
Owner Name 2  
Owner Address 13 CHEROKEE CIR # 101  
Owner City MADISON  
Owner State WI  
Owner Zip 53704

I, Maribeth Witzel-Behl, certify that this is a true copy of Resolution No. 09559, passed by the COMMON COUNCIL on 5/20/2008.

Maribeth Witzel-Behl  
Maribeth Witzel-Behl

5/28/08  
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: 5-28-08 (USE BLACK INK ONLY)

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

