

Garden Street vacation

Document Number

Document Title

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 2nd day of June, 2020. A copy of the resolution is attached.

Discontinuing and vacating a remaining portion of the public street Right-of-way Garden Street.
Resolution 20-00408
ID#: 60209

KRISTI CHLEBOWSKI
DANE COUNTY
REGISTER OF DEEDS

DOCUMENT #
5599436
06/10/2020 12:46 PM
Trans Fee:
Exempt #:
Rec. Fee: 30.00
Pages: 22

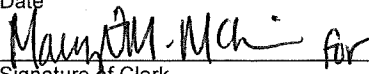
Recording Area

Name and Return Address

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

Parcel Identification Number (PIN)

June 5, 2020

Date

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 June 5, 2020 by the above named person(s).

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

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

Print or type name: Eric Christianson

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

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





City of Madison

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

Certified Copy

Resolution: RES-20-00408

File Number: 60209

Enactment Number: RES-20-00408

Discontinuing and vacating a remaining portion of the public street right-of-way Garden Street, being located in the SE ¼ of the NW ¼, also part of Government Lot 3, of Section 26, Township 7 North, Range 9 East, City of Madison, Dane County, Wisconsin. (13th AD)

WHEREAS, the plat of Grand - View Addition to South Madison was recorded on December 5, 1889 in Volume A of Plats, page 21 as Document No. 180788, Dane County Register of Deeds.

WHEREAS, said plat of Grand - View Addition to South Madison dedicated Garden Street, lying between Blocks 4 and 5 of said plat, as a public street right-of-way; and

WHEREAS, Resolution 44,034, ID No. 1732 was adopted by the City of Madison Common Council on November 17th, 1987 vacating and discontinuing approximately the southerly 50 feet of Garden Street. The resolution was recorded as Document No. 2056027 on November 25th, 1987 validating and making effective the said street vacation and discontinuance; and

WHEREAS, a Land Use Application was submitted to the City of Madison Planning Department by SSM Health for a Zoning Map Amendment, Conditional Use and Demolition Permit necessary for a Redevelopment Project involving construction of a new five-story, 180,000 square-foot health clinic in the southeast quadrant of the intersection of Fish Hatchery Road with Midland Street; and

WHEREAS, Enactment Number ORD-20-00025, File ID No. 59303 was adopted by the City of Madison Common Council on March 3, 2020 conditionally approving the said Zoning Map Amendment Ordinance. Also File ID No. 58783 was approved by the City of Madison Plan Commission on February 24, 2020 conditionally approving the said Conditional Use and Demolition Permit for the Redevelopment Project; and

WHEREAS, an application was submitted to the City of Madison Planning Department SSM Health for a Certified Survey Map / Land Division, to create the lot necessary for the said Redevelopment Project; and

WHEREAS, the said Certified Survey Map was conditionally approved by the Common Council by Enactment Number RES-20-00184, File I.D. Number 58788, as adopted on the 3rd of March, 2020; and

WHEREAS, the Zoning Map Amendment, Conditional Use, Demolition Permit and Certified Survey Map approvals for the Redevelopment Project have a condition of approval requiring the remaining portion of Garden Street, lying between said Blocks 4 and 5 of Grand - View Addition to South Madison, be vacated and discontinued to accommodate the improvements proposed as part of the Redevelopment Project. A copy of the site plan of the Redevelopment Project is attached hereto and made part of this resolution as Exhibit C showing the proposed development and the portion of Garden Street to be vacated and discontinued; and

WHEREAS, on April 13th, 2020, a written petition and a copy of the required Lis Pendens to be

recorded by the petitioner was submitted to the City of Madison Engineer to vacate and discontinue the remaining portion of Garden Street. The written petition for vacation and discontinuance includes the signatures of all owners of lands abutting the entire remaining portion of Garden Street to be vacated and discontinued. The petition and Lis Pendens are attached hereto and made part of this resolution; and

WHEREAS, the remaining portion of the public right-of-way of Garden Street 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 proposed Certified Survey Map may not be recorded and the Redevelopment Project approved for building permits until the said remaining portion of Garden Street 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 have public storm sewer improvements within the southern 100 feet of 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; and

WHEREAS, the City Engineering Division recommends approval of this partial public right-of-way vacation and discontinuance.

NOW THEREFORE BE IT RESOLVED, the City Of Madison hereby vacates and discontinues the remaining public right-of-way of Garden Street as shown on attached map Exhibit B and described on the attached Exhibit A, under Wisconsin ss. 66.1003(2).

BE IT FURTHER RESOLVED, that under Section 66.1005(2)(a), the City Of Madison releases all easements and rights it may have within the public right-of-ways being vacated and discontinued with the exception of retaining a Temporary Storm Sewer Easement for maintenance of existing public storm sewer facilities under the southerly 100 feet of the public right-of-way being vacated and discontinued. The easement shall remain until the public facilities have been removed and/or abandoned per a City of Madison Engineer final approved construction plan. Upon the final removal and/or abandonment of the public facilities, the temporary easement shall terminate without further notice. The temporary storm sewer easement area shall be as shown and dimensioned on attached Exhibit C; and

BE IT FURTHER RESOLVED, under Section 66.1005(2), Wisconsin Statutes, other than those easements and rights released above by the City of Madison, 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 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, the City Clerk is hereby authorized 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.

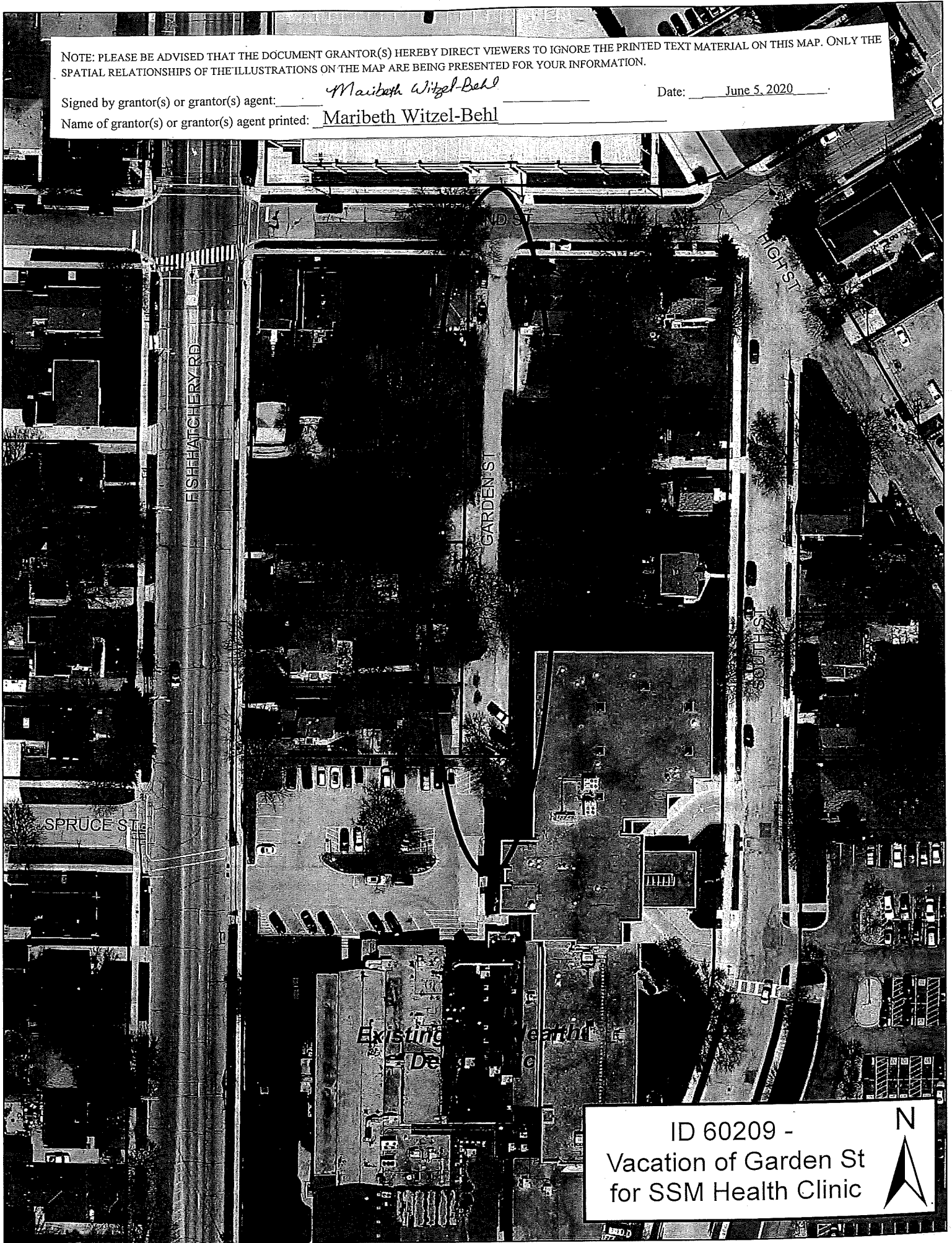
I, City Clerk Maribeth Witzel-Behl, certify that this is a true copy of Resolution No. 20-00408, adopted by the Madison Common Council on June 2, 2020.

Mary M. McCallister for
Maribeth Witzel-Behl
City Clerk

6/9/2020
Date Certified

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: June 5, 2020
Name of grantor(s) or grantor(s) agent printed: Maribeth Witzel-Behl



Existing Yearly
Development

ID 60209 -
Vacation of Garden St
for SSM Health Clinic



Wingra Building Group
Dean Health Systems, Inc.
1808 West Beltline Hwy.
MADISON, WI 53703

April 13, 2020

Via E-Mail

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

City of Madison Engineering Mapping
Jeff Quamme, Public Works Development
Manager 2
1600 Emil Street
Madison WI 53713
jrquamme@cityofmadison.com

Petition to Vacate 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:

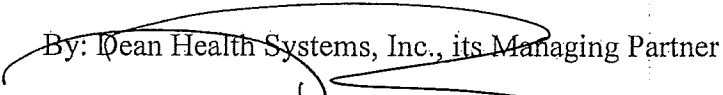
1. Pursuant to the conditionally approved redevelopment of real property located within the Plat of Grand-View Addition to South Madison, in the City of Madison, Wisconsin, the landowners abutting Garden Street have determined that this right of way is not needed for public right of way purposes, and 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).

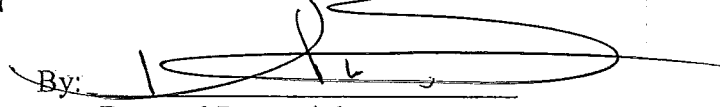
2. The undersigned are the owners of all the frontage abutting upon the Discontinued Property. The undersigned therefore submit this petition in accordance with Section 66.1003(2), Wis. Stats., seeking the City's approval to vacate and discontinue the Discontinued Property.

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 April 21, 2020 meeting; introduce 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.

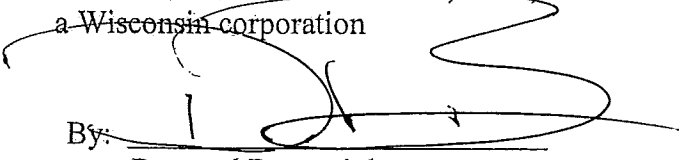
PETITIONERS:

WINGRA BUILDING GROUP,
a Wisconsin general partnership

By:  Dean Health Systems, Inc., its Managing Partner

By: 
Damond Boatwright
SSM Health Regional President - Operations

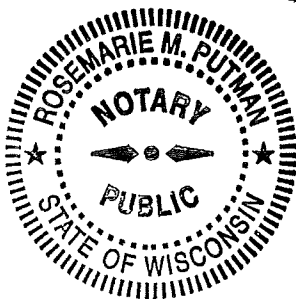
DEAN HEALTH SYSTEMS, INC.,
a Wisconsin corporation

By: 
Damond Boatwright
SSM Health Regional President - Operations

STATE OF WISCONSIN

COUNTY OF DANE

Personally came before me this 13th day of April, 2020, the above-named Damond Boatwright, to me known to be the person who executed the foregoing document.



Rosemarie M Putman
Notary Public, State of Wisconsin
My Commission expires: Oct 23, 2022

EXHIBIT A
LEGAL DESCRIPTION OF THE DISCONTINUED PROPERTY

[See Attached]

PUBLIC DEDICATION VACATION EXHIBIT

PART OF THE LANDS SHOWN AS DEDICATED TO THE PUBLIC IN THE RECORDED PLAT OF GRAND-VIEW ADDITION TO SOUTH MADISON, LOCATED IN PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4, ALSO BEING PART OF GOVERNMENT LOT 3, OF SECTION 26, TOWNSHIP 7 NORTH, RANGE 9 EAST, CITY OF MADISON, DANE COUNTY, WISCONSIN.

Commencing at the Meander Corner of the West 1/4 Corner of said Section 26, said Meander Corner being S88°55'18"E, 753.93 feet from the True Corner location;

Thence S88°55'18"E along the South line of the Northwest 1/4 of said Section 26, 756.92 feet to the Southeast corner of Lot 8, Block 5 of Grand-View Addition to South Madison;

Thence N0°58'25"E along the East line of said Lot 8, 50.14 feet to the Southwest corner of the remaining Garden Street and the **POINT OF BEGINNING**;

Thence continuing N00° 58' 25"E along the West right of way line of said Garden Street, 349.96 feet to the South right of way line of Midland Street;

Thence S88° 59' 34"E along said South right of way line, 34.00 feet to the East right of way line of said remaining Garden Street;

Thence S0° 58' 25"W along said East right of way line, 349.94 feet to a point on the South right of way line of said Garden Street;

Thence N89° 01' 33"W along said South right of way line, 34.00 feet to the **POINT OF BEGINNING**.

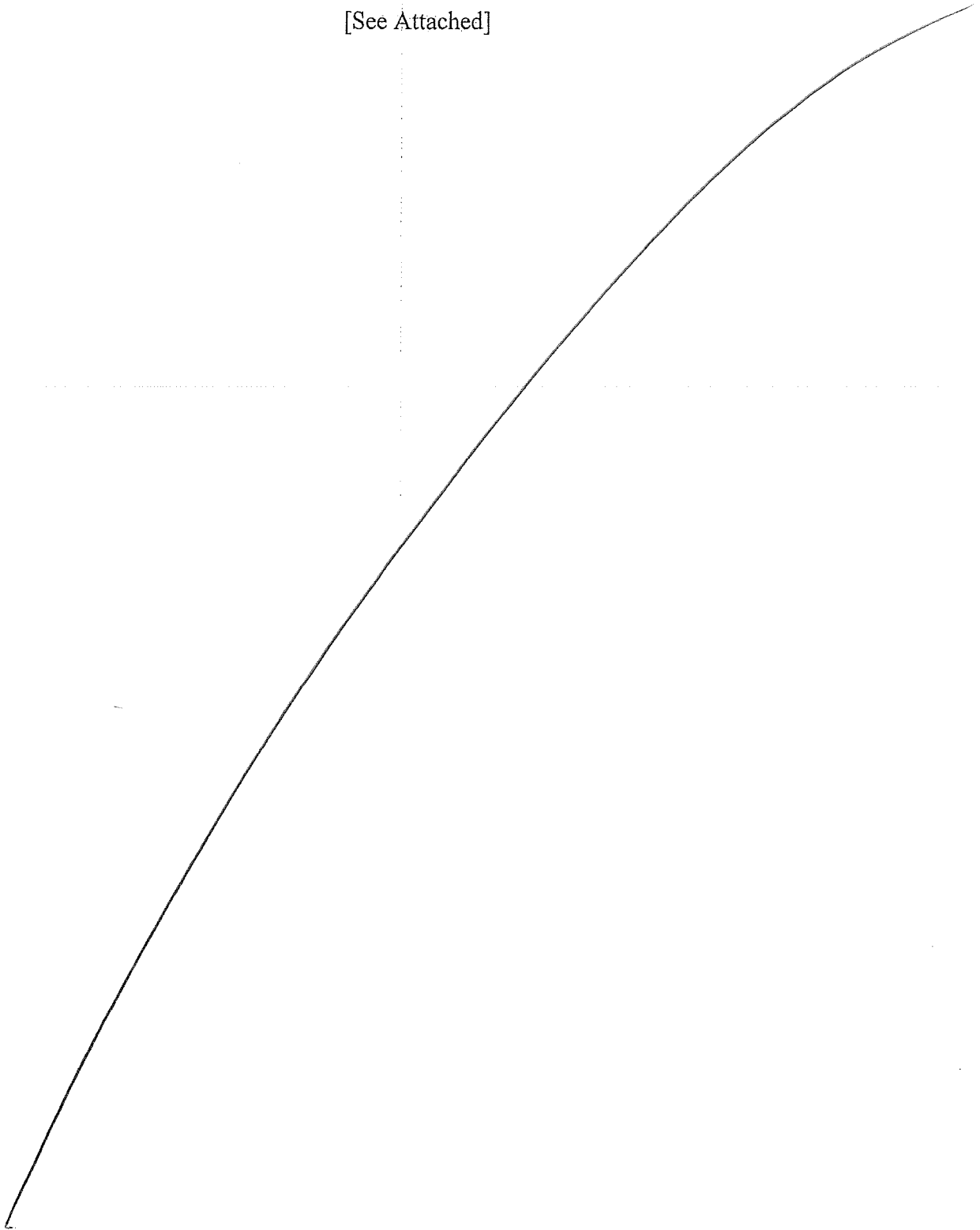
Contains 11,898 SQ. FT.



N17 W24222 Riverwood Drive
Waukesha, WI 53188
(262) 523-4488
AyresAssociates.com

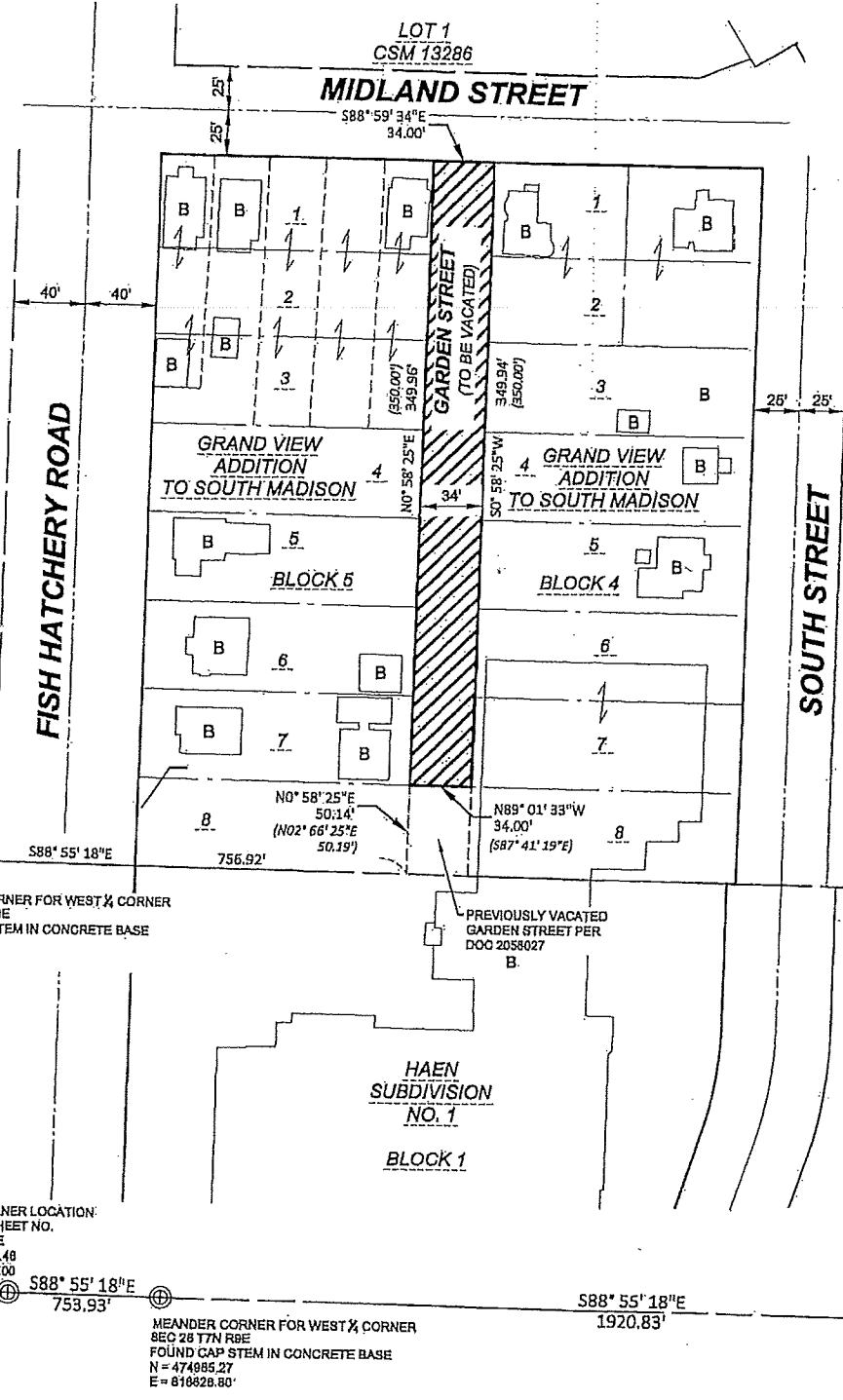
EXHIBIT B
MAP OF THE DISCONTINUED PROPERTY

[See Attached]



PUBLIC DEDICATION VACATION EXHIBIT

PART OF THE LANDS SHOWN AS DEDICATED TO THE PUBLIC IN THE
RECORDED PLAT OF GRAND-VIEW ADDITION TO SOUTH MADISON, LOCATED
IN PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4, ALSO BEING PART
OF GOVERNMENT LOT 3, OF SECTION 26, TOWNSHIP 7 NORTH, RANGE 9
EAST, CITY OF MADISON, DANE COUNTY, WISCONSIN.



Bearings are referenced to the South line of the Northwest 1/4 of Section 26, which bears S 88°55'18" E on the Wisconsin County Coordinate System, Dane Zone NAD83(11)

0 50' 100'
SCALE: 1"=100'

MEANDER CORNER FOR WEST 1/4 CORNER
SEC 28 T7N R8E
FOUND CAP STEM IN CONCRETE BASE
N = 474985.27
E = 818828.80

PREVIOUSLY VACATED
GARDEN STREET PER
DOC 2058027

TRUE CORNER LOCATION
CROSS CUT IN CURB HEAD PER
TIE SHEET NO. 709127MCN
N = 474929.12
E = 818549.29

TRUE CORNER LOCATION
PER TIE SHEET NO.
709128MCE
N = 474979.48
E = 815875.00

MEANDER CORNER FOR
CENTER OF SEC 28 T7N R8E
BRASS CAP MONUMENT
N = 474930.34
E = 818549.30

MEANDER CORNER FOR WEST 1/4 CORNER
SEC 28 T7N R8E
FOUND CAP STEM IN CONCRETE BASE
N = 474985.27
E = 818828.80'

TRUE CORNER LOCATION
CROSS CUT IN CURB HEAD
PER TIE SHEET NO. 709127MCN
N = 474929.12
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AMDEC N17 W24222 Riverwood Drive
Waukesha, WI 53188

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Signed by grantor(s) or grantor(s) agent: Maribeth Witzel-Behl Date: June 5, 2020
Name of grantor(s) or grantor(s) printed: Maribeth Witzel-Behl

EXHIBIT A

PUBLIC DEDICATION VACATION EXHIBIT

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Thence N89° 01' 33"W along said South right of way line, 34.00 feet to the **POINT OF BEGINNING**.

Contains 11,898 SQ. FT.

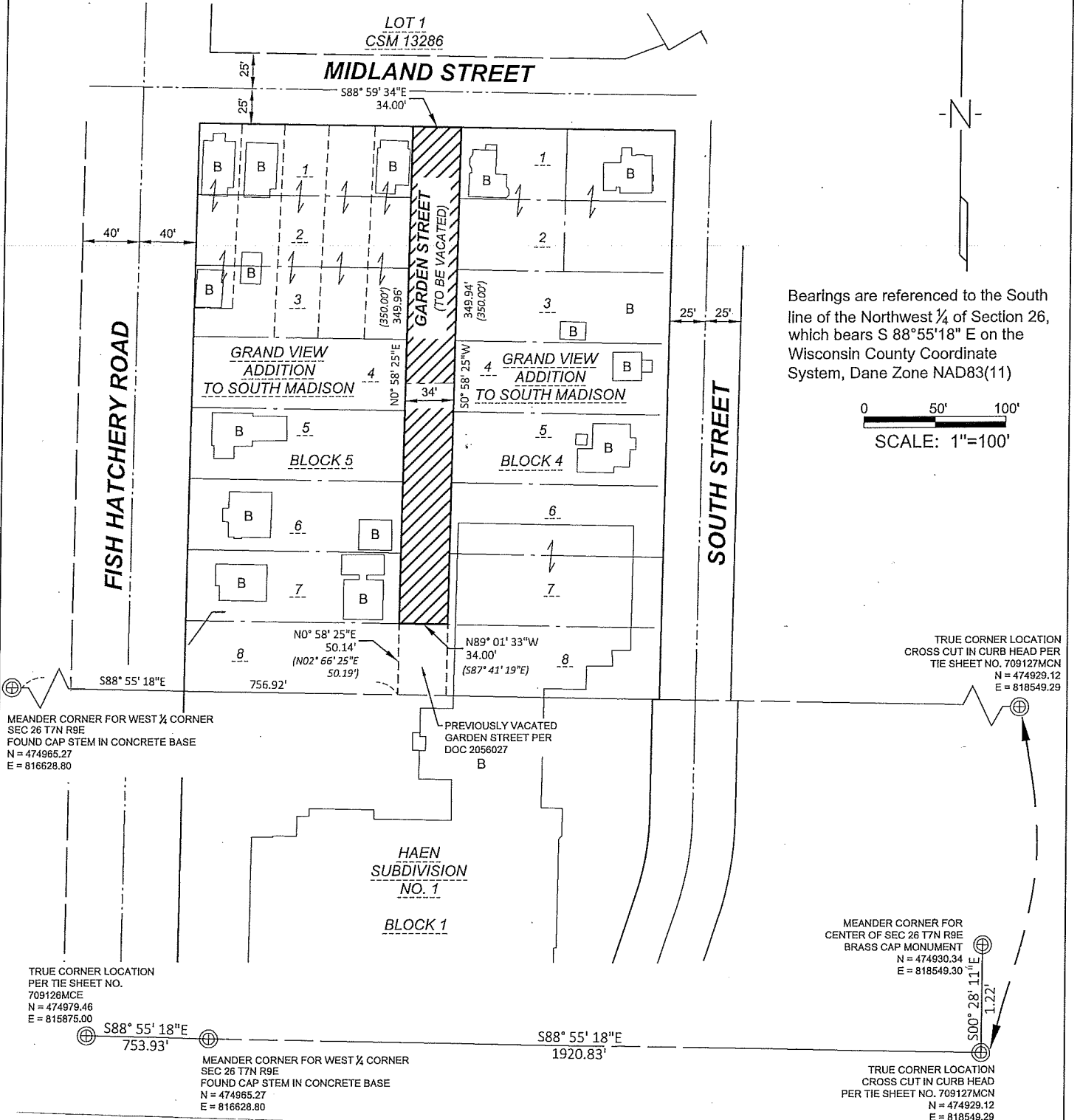


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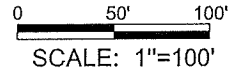
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Bearings are referenced to the South line of the Northwest 1/4 of Section 26, which bears S 88°55'18" E on the Wisconsin County Coordinate System, Dane Zone NAD83(11)



TRUE CORNER LOCATION
CROSS CUT IN CURB HEAD PER
TIE SHEET NO. 709127MCN
N = 474929.12
E = 818549.29

MEANDER CORNER FOR WEST 1/4 CORNER
SEC 26 T7N R9E
FOUND CAP STEM IN CONCRETE BASE
N = 474965.27
E = 816628.80

PREVIOUSLY VACATED
GARDEN STREET PER
DOC 2056027

MEANDER CORNER FOR
CENTER OF SEC 26 T7N R9E
BRASS CAP MONUMENT
N = 474930.34
E = 818549.30

TRUE CORNER LOCATION
PER TIE SHEET NO.
709126MCE
N = 474979.46
E = 815876.00

S88° 55' 18"E
753.93'

MEANDER CORNER FOR WEST 1/4 CORNER
SEC 26 T7N R9E
FOUND CAP STEM IN CONCRETE BASE
N = 474965.27
E = 816628.80

S88° 55' 18"E
1920.83'

TRUE CORNER LOCATION
CROSS CUT IN CURB HEAD
PER TIE SHEET NO. 709127MCN
N = 474929.12
E = 818549.29

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

Date: June 5, 2020

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

EXHIBIT C

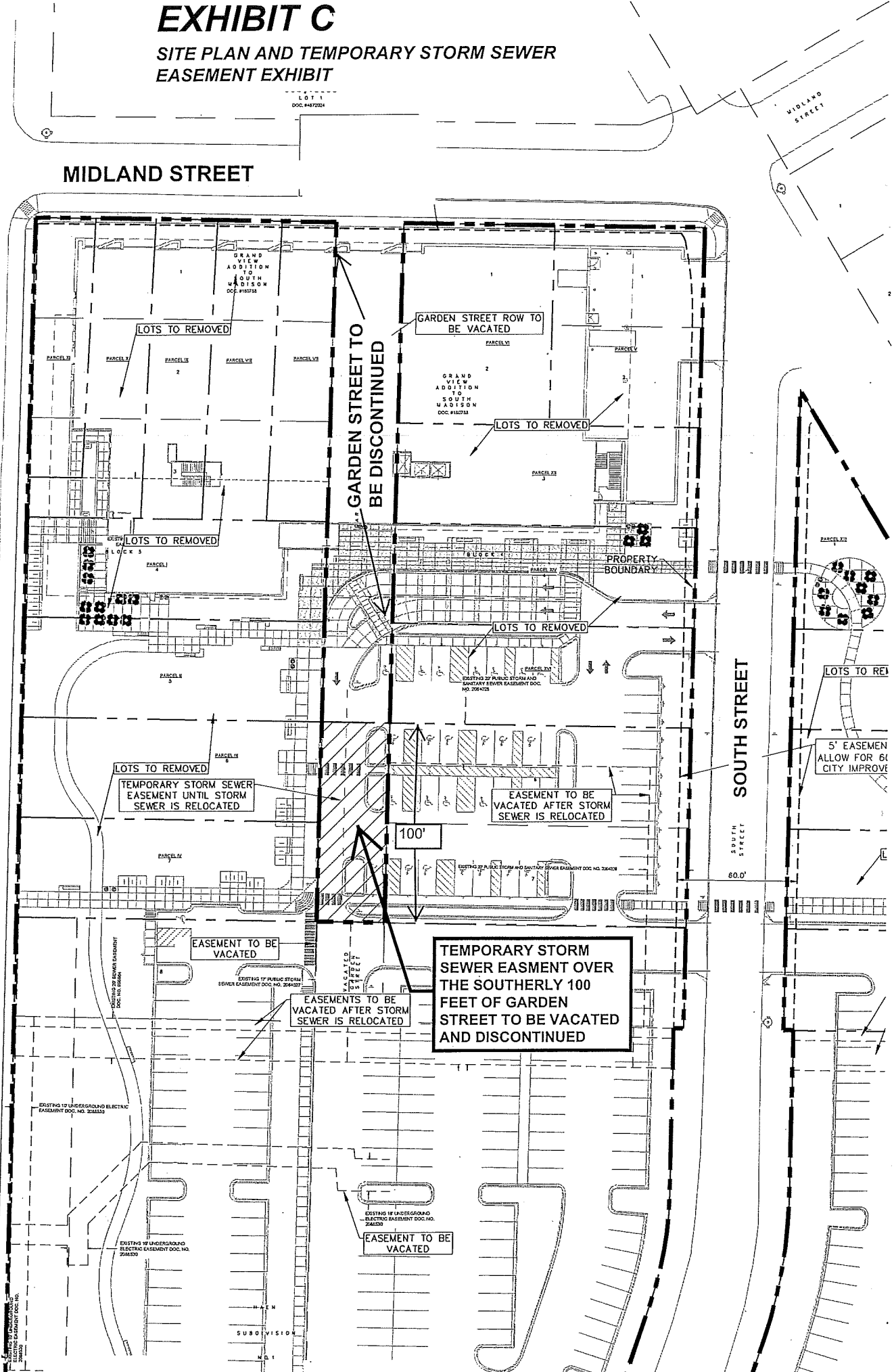
SITE PLAN AND TEMPORARY STORM SEWER EASEMENT EXHIBIT

Signed by grantor(s) or grantor(s) agent: *Maibeth Witzel-Behl*

Date: June 5, 2020

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

FISH HATCHERY ROAD



WILLOW STREET

MIDLAND STREET

SOUTH STREET

80.0'

LOTS TO REMOVED

5' EASEMENT ALLOW FOR 6' CITY IMPROVE

TEMPORARY STORM SEWER EASEMENT OVER THE SOUTHERLY 100 FEET OF GARDEN STREET TO BE VACATED AND DISCONTINUED

EASEMENTS TO BE VACATED AFTER STORM SEWER IS RELOCATED

EASEMENT TO BE VACATED

TEMPORARY STORM SEWER EASEMENT UNTIL STORM SEWER IS RELOCATED

LOTS TO REMOVED

LOTS TO REMOVED

GARDEN STREET ROW TO BE VACATED

LOTS TO REMOVED

GARDEN STREET TO BE DISCONTINUED

LOT 1
DOC. #487224

GRAND VIEW ADDITION TO SOUTH W. WISCONSIN DOC. #189734

GRAND VIEW ADDITION TO SOUTH W. WISCONSIN DOC. #189734

EXISTING 22 PUBLIC STORM AND SANITARY SEWER EASEMENT DOC. NO. 206402

EXISTING 22 PUBLIC STORM AND SANITARY SEWER EASEMENT DOC. NO. 206402

EXISTING 17 UNDERGROUND ELECTRIC EASEMENT DOC. NO. 204827

EXISTING 18 UNDERGROUND ELECTRIC EASEMENT DOC. NO. 204830

EXISTING 12 UNDERGROUND ELECTRIC EASEMENT DOC. NO. 204833

SUBDIVISION

DATE: 6/5/2020

Document Number

**NOTICE OF LIS PENDENS
Public Right-of-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:

The public right-of-way of Garden Street located 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.

Drafted by and after recording return to:

Foley & Lardner LLP
150 E. Gilman Street
Madison, WI 53703
Attn: Toni Prestigiacomio

Parcel Identification Number(s):

None -- Public Right-of-Way

[Signatures on next page]

Dated this 13th day of April, 2020.

DEAN HEALTH SYSTEMS, INC.,
a Wisconsin corporation

[Handwritten signature]

By: _____
Damond Boatwright
SSM Health Regional President - Operations

WINGRA BUILDING GROUP,
a Wisconsin general partnership

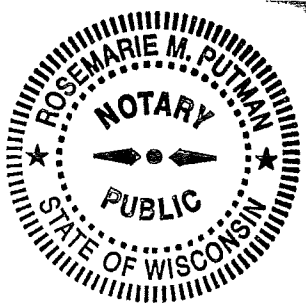
By: ~~Dean Health Systems, Inc., its Managing Partner~~

[Handwritten signature]

By: _____
Damond Boatwright
SSM Health Regional President - Operations

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

Personally came before me this 13th day of April, 2020 the above named Damond Boatwright to me known to be the person who executed and acknowledged the foregoing instrument.



Rosemarie M Putman
*
Notary Public, State of Wisconsin
My commission (is)(expires):
Oct. 23, 2022

This instrument drafted by Attorney Toni Prestigiacommo,
Foley & Lardner LLP, 150 East Gilman Street, Madison, WI 53703

EXHIBIT A
Legal Description of Discontinued Property

PUBLIC DEDICATION VACATION EXHIBIT

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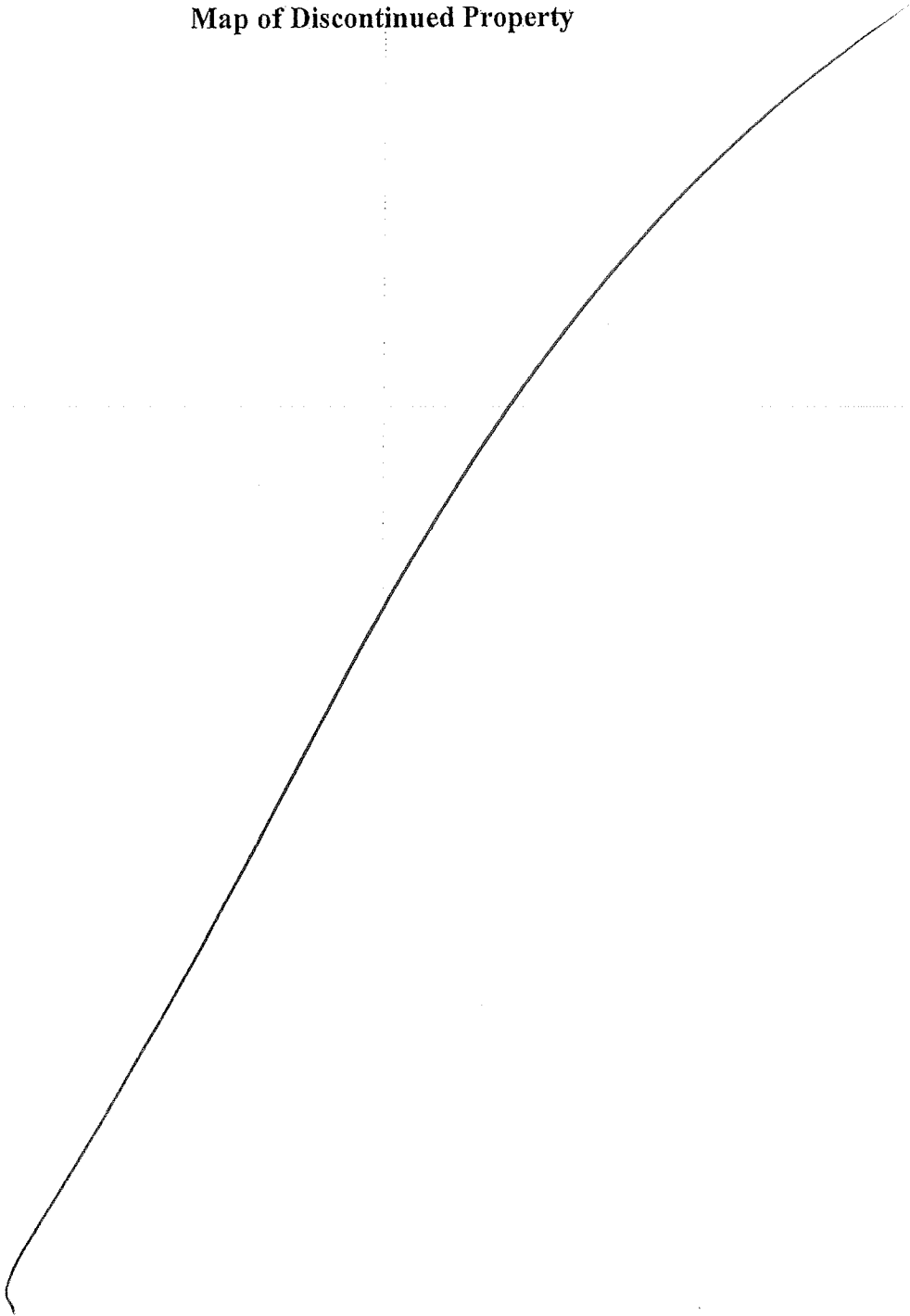
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Thence N89° 01' 33"W along said South right of way line, 34.00 feet to the **POINT OF BEGINNING**.

Contains 11,898 SQ. FT. or 3.66 acres.



N17 W24222 Riverwood Drive
Waukesha, WI 53188
(262) 523-4488
AyresAssociates.com

EXHIBIT B
Map of Discontinued Property



PUBLIC DEDICATION VACATION EXHIBIT

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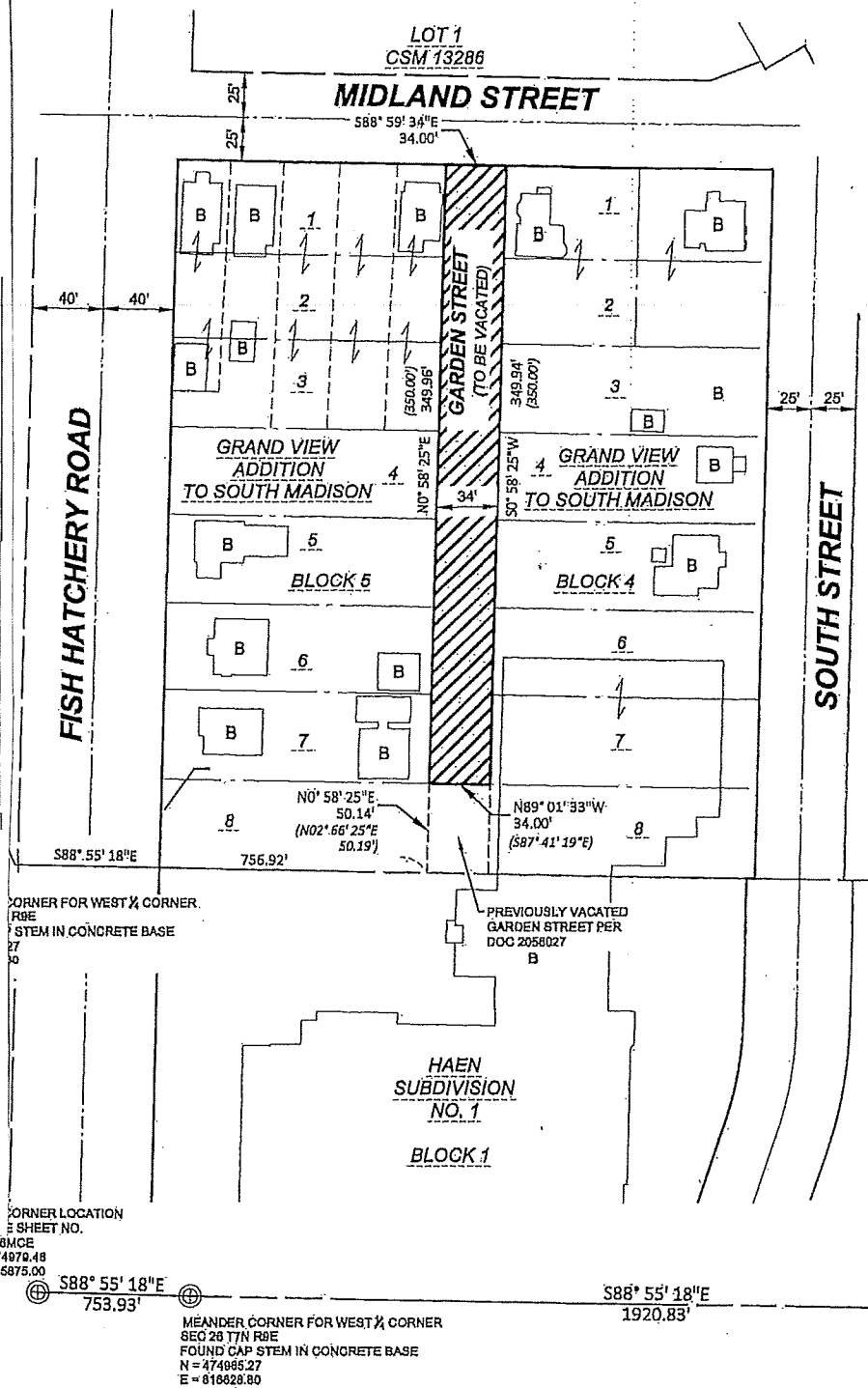
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Date: June 5, 2020

Maribeth Witzel-Behl

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

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



Bearings are referenced to the South line of the Northwest 1/4 of Section 26, which bears S 88°55'18" E on the Wisconsin County Coordinate System, Dane Zone NAD83(11)

0 50' 100'
SCALE: 1"=100'

CORNER FOR WEST 1/4 CORNER. RBE STEM IN CONCRETE BASE

PREVIOUSLY VACATED GARDEN STREET PER DOC 2058027

TRUE CORNER LOCATION CROSS CUT IN CURB HEAD PER TIE SHEET NO. 708127MCH
N = 474929.12
E = 818549.28

MEANDER CORNER FOR CENTER OF SEC 28-T7N R0E BRASS CAP MONUMENT
N = 474930.34
E = 818549.30

708128MCE
N = 474970.48
E = 815875.00

CORNER LOCATION PER SHEET NO.

S88° 55' 18" E
753.93'

MEANDER CORNER FOR WEST 1/4 CORNER SEC 28 T7N R0E FOUND CAP STEM IN CONCRETE BASE
N = 474986.27
E = 816828.80

S88° 55' 18" E
1920.83'

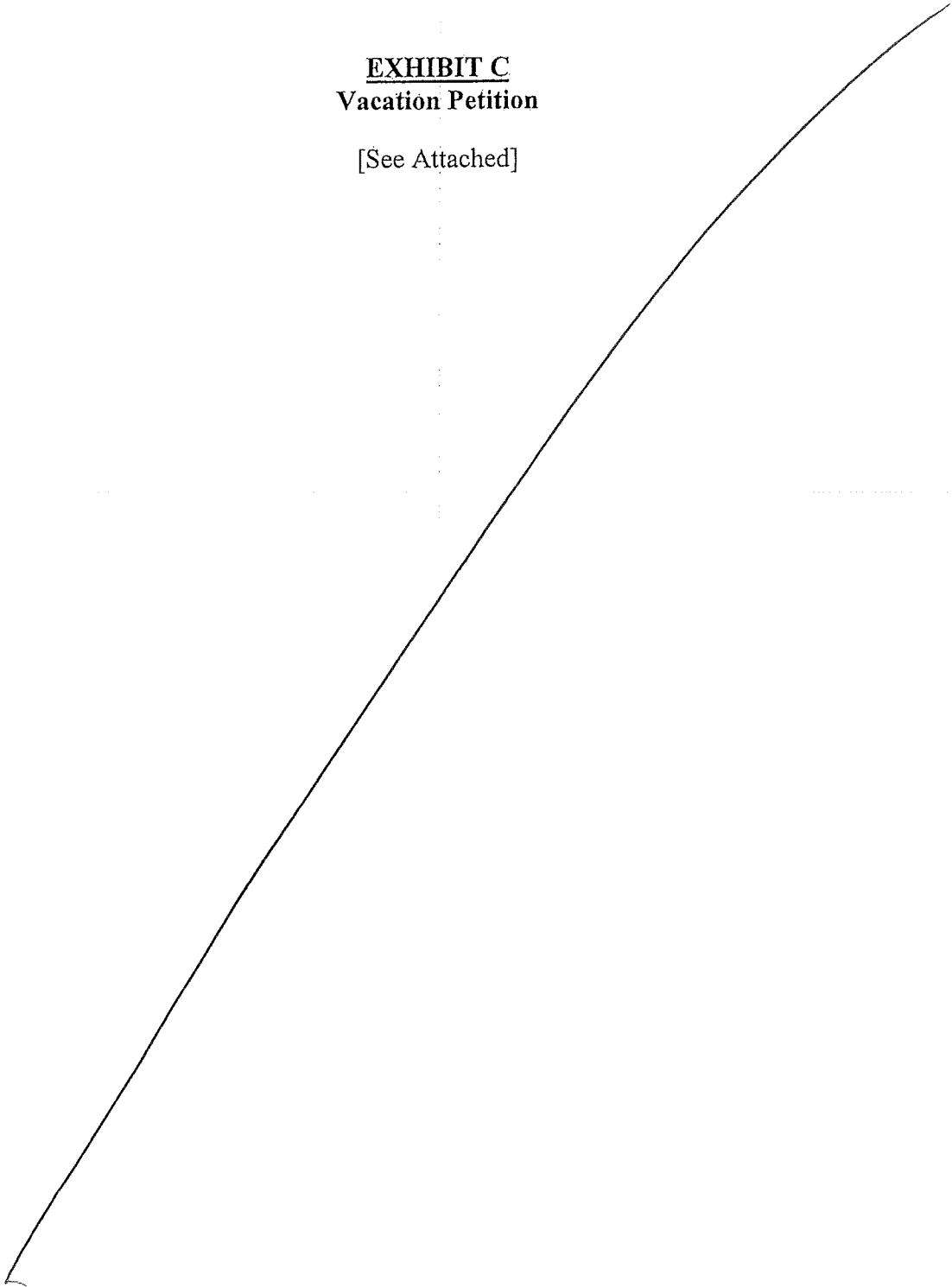
TRUE CORNER LOCATION CROSS CUT IN CURB HEAD PER TIE SHEET NO. 709127MCH
N = 474928.12
E = 816549.28



N17 W24222 Riverwood Drive
Waukesha, WI 53188
(262) 523-4488
AyresAssociates.com

EXHIBIT C
Vacation Petition

[See Attached]





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: June 5, 2020
Name of grantor(s) or grantor(s) agent printed: Maribeth Witzel-Behl