



9 2 1 2 5 8 6

Tx:8896353

Document Number

Document Title

KRISTI CHLEBOWSKI  
DANE COUNTY  
REGISTER OF DEEDS

**RESOLUTION**

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 17<sup>th</sup> day of October, 2017.

DOCUMENT #

**5368628**

10/31/2017 2:44 PM

Trans. Fee:

Exempt #:

Rec. Fee: 30.00

Pages: 19

Linden Court Street Vacation

Resolution #: RES-17-00821

ID#: 48610

Name and Return Address

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

Parcel Identification Number (PIN)

October 31, 2017

Date

*Handwritten signature*

Signature of Clerk

*Rachel Rodriguez*

~~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 October 31, 2017 by the above named person(s).

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

*Handwritten signature*

Print or type name: Eric Christianson

Title: Certified Municipal Clerk Date commission expires: 6/29/2018

\*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



# City of Madison

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

## Certified Copy

Resolution: RES-17-00821

**File Number: 48610**

**Enactment Number: RES-17-00821**

Discontinuing and vacating the remaining portion of the public street right-of-way of Linden Court, being located in the SW ¼ of the SE 1/4 of Section 6, Township 7 North, Range 10 East, City of Madison, Dane County, Wisconsin. (6th AD)

**WHEREAS**, the public right of way of Linden Court, lying northwesterly of Winnebago Street was originally dedicated by the plat of Tierney Addition to Madison, recorded June 12th, 1897 as Document No. 2166209, Dane County Registry; and

**WHEREAS**, a portion of Linden Court was previously vacated and discontinued by the City of Madison Common Council per Resolution Number 35,345, File Number 4600-176, as adopted on January 22, 1980 and validated and made effective on January 25, 1980 with the recording of the resolution as Document No. 1655804, Dane County Registry; and

**WHEREAS**, the Accipiter Real Estate, LLC provided a written petition to the City of Madison to vacate and discontinue the remaining portion of Linden Court. The written petition for vacation and discontinuance includes the signatures of all owners of lands abutting the entire length of the remaining portion of Linden Court. The said written request and exhibits are attached hereto and made part of this resolution; and

**WHEREAS**, the remaining portion of Linden Court to be vacated and discontinued is to be incorporated as part of a proposed development project per an application for Rezoning, Legistar File ID No. 48227, an application for Demolition Permit and Conditional Use, Legistar File ID No. 48156, an application for Demolition Permit and Conditional Use, Legistar File ID No. 48157 and an application for Certified Survey Map Land Division, Legistar File ID No. 48145. The applications submitted by Accipiter Real Estate, LLC. The preliminary utility plan of the proposed site development is attached hereto and made part of this resolution; and

**WHEREAS**, currently there are City of Madison Water Utility public water main facilities within the remaining portion of the public right-of-way to be vacated and discontinued. The said facilities are to be abandoned in the future by the City of Madison Water Utility as part of this redevelopment project; and

**WHEREAS**, the portion of the public right-of-way of Linden Court 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 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 Linden Court 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.

Accipiter Real Estate, LLC (applicant) shall obtain conditional Land Division, Demolition and Conditional Use approvals from the City of Madison for the proposed development that are consistent with, as determined by the City Engineer, the remaining portion of Linden Court to be vacated and discontinued.

**BE IT FURTHER RESOLVED**, that under Section 66.1005(2), as part of this resolution, the City of Madison retains a 15 foot wide Temporary Public Watermain Easement as shown on attached map Exhibit B and described on the attached Exhibit C. The said Temporary Public Watermain Easement shall terminate, without notice, upon the abandonment of those water main facilities by the City of Madison Water Utility; and

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

**BE IT FURTHER RESOLVED**, under Section 66.1005(2), Wisconsin Statutes, any other existing easements that may exist within the vacated and discontinued public right-of-way benefitting those other than the City of Madison, 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, 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. 17-00821, adopted by the Madison Common Council on October 17, 2017.

Maribeth Witzel-Behl

10-30-2017

Date Certified



# City of Madison

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

## Master

**File Number: 48610**

**File ID:** 48610

**File Type:** Resolution

**Status:** Passed

**Version:** 1

**Reference:**

**Controlling Body:** BOARD OF  
PUBLIC WORKS

**File Created Date :** 08/29/2017

**File Name:** Discontinuing and vacating the remaining portion of the public street right-of-way of Linden Court, being located in the SW ¼ of the SE 1/4 of Section 6, Township 7 North, Range 10 East, City of Madison, Dane County, Wisconsin.

**Final Action:** 10/17/2017

**Title:** Discontinuing and vacating the remaining portion of the public street right-of-way of Linden Court, being located in the SW ¼ of the SE 1/4 of Section 6, Township 7 North, Range 10 East, City of Madison, Dane County, Wisconsin. (6th AD)

**Notes:** Jeff Q.

**CC Agenda Date:** 10/17/2017

**Agenda Number:** 6.

**Sponsors:** Marsha A. Rummel

**Effective Date:** 10/19/2017

**Attachments:** EXHIBIT A.pdf, EXHIBIT B.pdf, EXHIBIT C.pdf, UTILITY PLAN.pdf, Vicinity Map.pdf, Linden Ct. Vacation Petition 2017-4-26 rev exhibits.pdf, Link\_Ord\_File\_48227, Link\_CSM\_File\_48145

**Enactment Number:** RES-17-00821

**Author:** Rob Phillips, City Engineer

**Hearing Date:** 10/17/2017

**Entered by:** mhacker@cityofmadison.com

**Published Date:**

### Approval History

Version	Date	Approver	Action
1	08/29/2017	Travis J. Martin	Approve

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Engineering Division	08/29/2017	Referred for Introduction				
	<b>Action Text:</b>	This Resolution was Referred for Introduction					
	<b>Notes:</b>	Board of Public Works (9/20/2017), Plan Commission (9/18/2017), Common Council Public Hearing (10/17/2017)					

1	COMMON COUNCIL	09/05/2017	Refer	BOARD OF PUBLIC WORKS	09/20/2017	Pass
	<p><b>Action Text:</b> A motion was made by Rummel, seconded by Baldeh, to Refer to the BOARD OF PUBLIC WORKS. The motion passed by voice vote/other.</p> <p><b>Notes:</b> Additional Referral: Plan Commission</p>					
1	BOARD OF PUBLIC WORKS	09/05/2017	Referred	PLAN COMMISSION	09/18/2017	
	<p><b>Action Text:</b> This Resolution was Referred to the PLAN COMMISSION</p> <p><b>Notes:</b></p>					
1	PLAN COMMISSION	09/18/2017	Return to Lead with the Recommendation for Approval	BOARD OF PUBLIC WORKS	09/20/2017	Pass
	<p><b>Action Text:</b> A motion was made by Cantrell, seconded by Rewey, to Return to Lead with the Recommendation for Approval to the BOARD OF PUBLIC WORKS. The motion passed by voice vote/other.</p> <p><b>Notes:</b> On a motion by Cantrell, seconded by Rewey, the Plan Commission recommended this item be returned to lead with a recommendation for approval.</p>					
1	BOARD OF PUBLIC WORKS	09/20/2017	RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING			Pass
	<p><b>Action Text:</b> A motion was made by Branson, seconded by Walling, to RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING. The motion passed by voice vote/other.</p>					
1	COMMON COUNCIL	10/17/2017	Adopt and Close the Public Hearing			Pass
	<p><b>Action Text:</b> A motion was made by Rummel, seconded by Baldeh, to Adopt and Close the Public Hearing. The motion passed by the following vote:</p> <p style="margin-left: 40px;"><b>Ayes:</b> 19 Barbara Harrington-McKinney; Ledell Zellers; Amanda Hall; Michael E. Verveer; Shiva Bidar-Sielaff; Marsha A. Rummel; Steve King; Zach Wood; Paul E. Skidmore; Maurice S. Cheeks; Arvina Martin; Larry Palm; Sara Eskrich; Sheri Carter; David Ahrens; Denise DeMarb; Samba Baldeh; Mark Clear and Matthew J. Phair</p> <p style="margin-left: 40px;"><b>Recused:</b> 1 Rebecca Kemble</p> <p style="margin-left: 40px;"><b>Non Voting:</b> 1 Paul R. Soglin</p>					

**Text of Legislative File 48610**

**Fiscal Note**

No Appropriation Required. The proposed resolution authorizes vacation and discontinuance of approximately 4409 sq. ft. or 0.1012 acres of public street right-of-way of Linden Court for site redevelopment.

**Title**

Discontinuing and vacating the remaining portion of the public street right-of-way of Linden Court, being located in the SW ¼ of the SE 1/4 of Section 6, Township 7 North, Range 10 East, City of Madison, Dane County, Wisconsin. (6th AD)

**Body**

**WHEREAS**, the public right of way of Linden Court, lying northwesterly of Winnebago Street was originally dedicated by the plat of Tierney Addition to Madison, recorded June 12th, 1897 as Document No. 2166209, Dane County Registry; and

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## EXHIBIT A

### Linden Court Vacation Metes and Bounds Description

Part of Linden Court as platted by Tierney Addition to Madison lying adjacent to Lots 1 and 2, Block 2 and Lots 7 and 8, Block 1 of said plat and being located in the Southwest Quarter of the Southeast Quarter of Section 06, Township 07 North, Range 10 East, City of Madison, Dane County, Wisconsin, more fully described as follows:

Beginning at the east corner of Lot 1, Block 2, Tierney Addition to Madison, as recorded in Volume 1 of Plats, on pages 41-42, as Document Number 216620, Dane County Registry, also the south corner of Linden Court right of way, also the northwest right of way line of Winnebago Street;

thence North 60 degrees 02 minutes 55 seconds West along the northeast line of Lots 1 and 2, said Block 2, also along the southwest right of way line of Linden Court, 87.87 feet to the west corner of said Linden Court, also to the south corner of vacated Linden Court, also to the east corner of Lot 3 of said Block 2;

thence North 29 degrees 11 minutes 41 seconds East along the northwest right of way line of Linden Court, also along the southeast line of said vacated Linden Court, 50.00 feet to the east corner of said vacated Linden Court, also the north corner of said Linden Court, also the south corner of Lot 9, Block 1 of aforementioned Tierney Addition to Madison;

thence South 60 degrees 03 minutes 05 seconds East along the northeast right of way line of said Linden Court, also along the southwest line of Lots 8 and 7, of said Block 1, 88.49 feet to the south corner of said Lot 7, also to the aforementioned northwest right of way line of Winnebago Street;

thence South 29 degrees 54 minutes 15 seconds West along said northwest right of way line, also along the southeast right of way line of said Linden Court, 50.00 feet to the Point of Beginning.

This description contains 4,409 square feet or 0.10 acres.

Bearings are based upon the Wisconsin County Coordinate System (Dane Zone).

Prepared By:  
Burse Surveying and Engineering, Inc.  
2801 International Lane, Suite 101  
Madison WI, 53704



# LINDEN COURT VACATION EXHIBIT

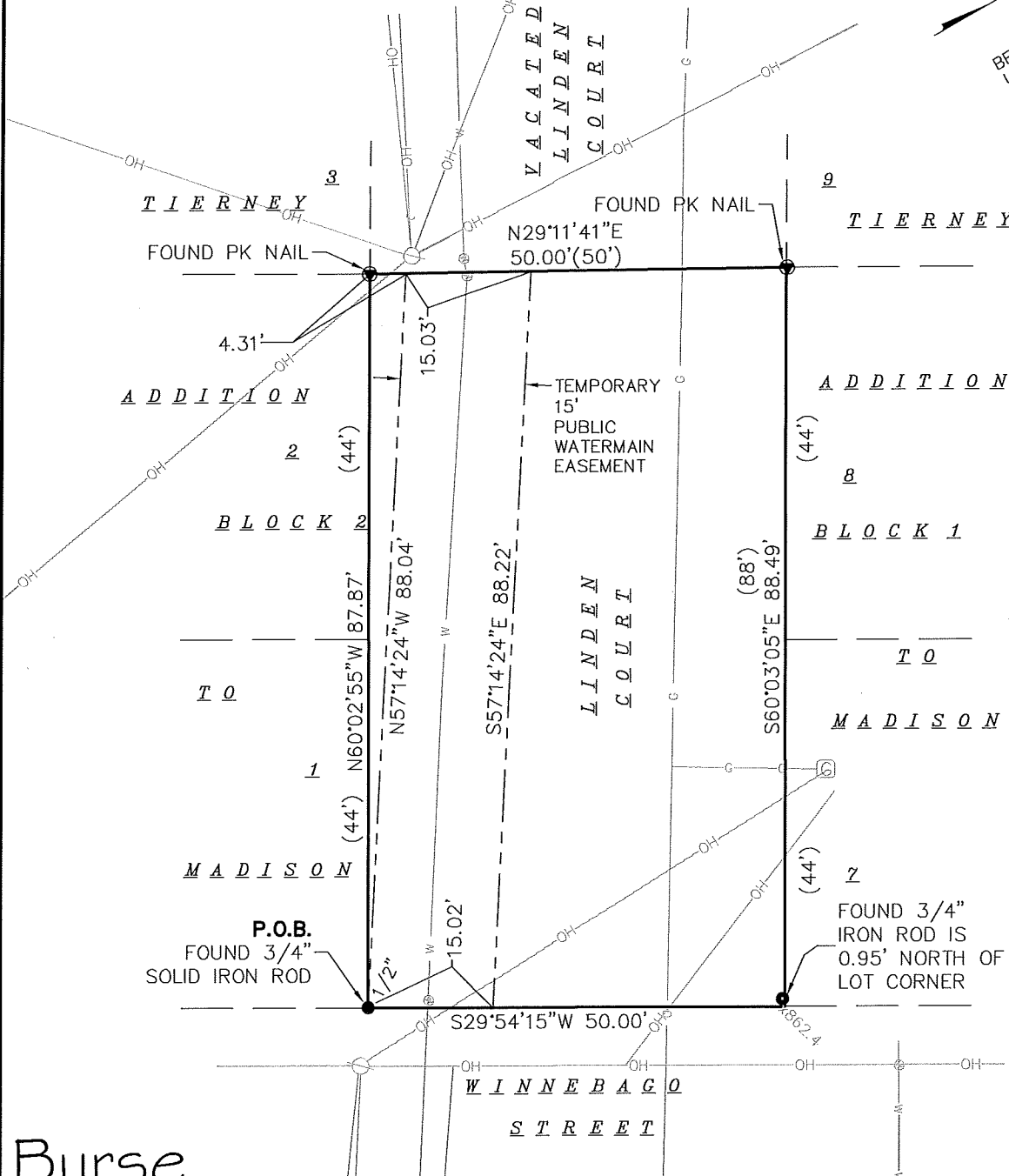
PART OF LINDEN COURT, LOCATED IN THE SOUTHWEST AND NORTHWEST QUARTERS OF THE SOUTHEAST QUARTER OF SECTION 06, TOWNSHIP 07 NORTH, RANGE 10 EAST, CITY OF MADISON, DANE COUNTY, WISCONSIN.

0 10 20 40 60



SCALE : ONE INCH = TWENTY FEET

**GRID NORTH**  
BEARINGS ARE BASED  
UPON THE WISCONSIN  
COUNTY COORDINATE  
SYSTEM (DANE ZONE)



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.

Date: 10-30-2017

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

**Burse**

surveying & engineering Inc.

2801 International Lane, Suite 101  
Madison, WI 53704 608.250.9263  
Fax: 608.250.9266  
email: mburse@bse-inc.net  
www.bursesurveyengr.com

Date: 2017-08-28  
Plot View: Vacation

BSE1966\dwg\BSE1966.DWG

LEGEND	
— OH —	OVERHEAD UTILITY
— G —	GAS MAIN
— W —	WATER MAIN

## EXHIBIT C

### 15' Wide Temporary Public Watermain Easement Metes and Bounds Description

Part of Linden Court as platted by Tierney Addition to Madison also being, located in the Southwest Quarter of the Southeast Quarter of Section 06, Township 07 North, Range 10 East, City of Madison, Dane County, Wisconsin, more fully described as follows:

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thence North 57 degrees 14 minutes 24 seconds West, 88.04 feet to the northwest line of said Linden Court, also to the southeast line of formerly vacated Linden Court;

thence North 29 degrees 11 minutes 41 seconds East along said northwest right of way line of Linden Court, also along said southeast line of said vacated Linden Court, 15.03 feet;

thence South 57 degrees 14 minutes 24 seconds East, 88.22 feet to the aforementioned northwest right of way line of Winnebago Street;

thence South 29 degrees 54 minutes 15 seconds West along said northwest right of way line, 15.02 feet to the Point of Beginning.

This description contains 1,322 square feet or 0.0303 acres.

Bearings are based upon the Wisconsin County Coordinate System (Dane Zone).

Prepared By:

Burse Surveying and Engineering, Inc.

2801 International Lane, Suite 101

Madison WI, 53704

BSE1966\documents\DESCRIPTIONS\WM EASE.doc



April 25, 2017

Rob Phillips/Jeff Quamme  
City of Madison Engineering Division  
210 Martin Luther King Jr. Blvd.  
City-County Building Room 115  
Madison, WI 53703

**RE: LINDEN COURT DISCONTINUANCE/VACATION OF RIGHT-OF-WAY, VOGEL INVESTMENTS, LLC**

This letter is our formal request from the property owners at 2100 Winnebago St. Madison, WI 53704 (Vogel Investments, LLC) to request vacation **of the remaining portion of Linden Ct.** Please accept this petition material packet for the discontinuance of the right-of-way as defined by the enclosed materials. Other materials included for your review include:

- Exhibit A – Legal Description of Area
- Exhibit B – Map of Discontinuance/Vacation
- Exhibit C – Legal Description of water main easement, as per specific request of City staff.
- Exhibit D – Adjacent Landowner Information
- Exhibit E – Concept Plan for Multiple Parcel Redevelopment

Please contact me at 608.347.2326 or by email at [adam@accipiterproperties.com](mailto:adam@accipiterproperties.com) if you have any questions or need further information.

Adam Chern  
Accipiter Properties  
1882 E. Main St. suite 201  
Madison, WI 53704  
608.347.2326

## EXHIBIT A

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Prepared By:  
Burse Surveying and Engineering, Inc.  
2801 International Lane, Suite 101  
Madison WI, 53704

# LINDEN COURT VACATION EXHIBIT

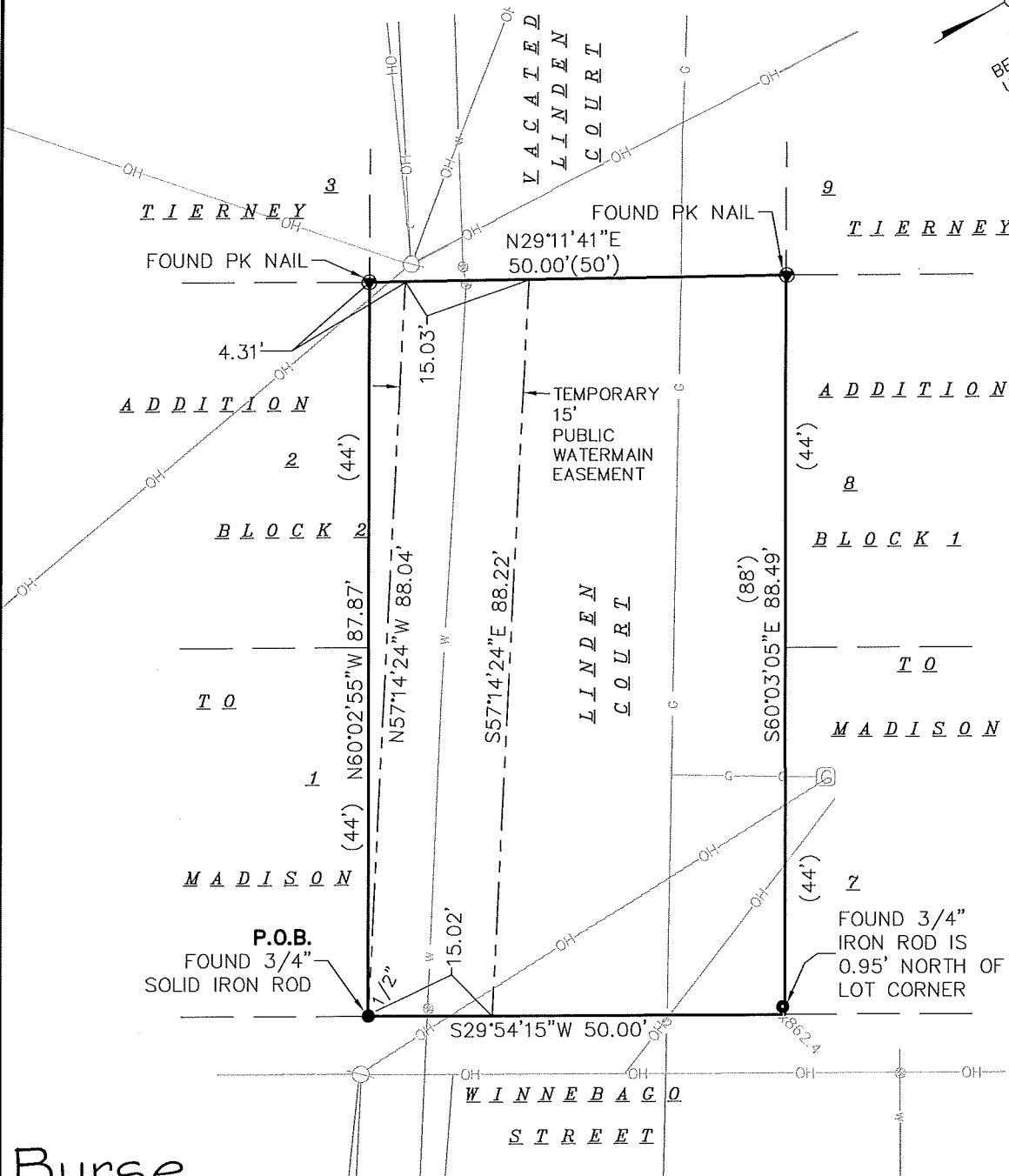
PART OF LINDEN COURT, LOCATED IN THE SOUTHWEST AND NORTHWEST QUARTERS OF THE SOUTHEAST QUARTER OF SECTION 06, TOWNSHIP 07 NORTH, RANGE 10 EAST, CITY OF MADISON, DANE COUNTY, WISCONSIN.

0 10 20 40 60



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**GRID NORTH**  
BEARINGS ARE BASED UPON THE WISCONSIN COUNTY COORDINATE SYSTEM (DANE ZONE)



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

Date: 10-30, 2017

**Burse**

surveying & engineering Inc.

2801 International Lane, Suite 101  
Madison, WI 53704 608.250.9263  
Fax: 608.250.9266  
email: mburse@bse-inc.net  
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Date: 2017-08-28  
Plot View: Vacation

BSE1966\dwg\BSE1966.DWG

LEGEND	
— OH —	OVERHEAD UTILITY
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BSE1966\documents\DESCRIPTIONS\WM EASE.doc

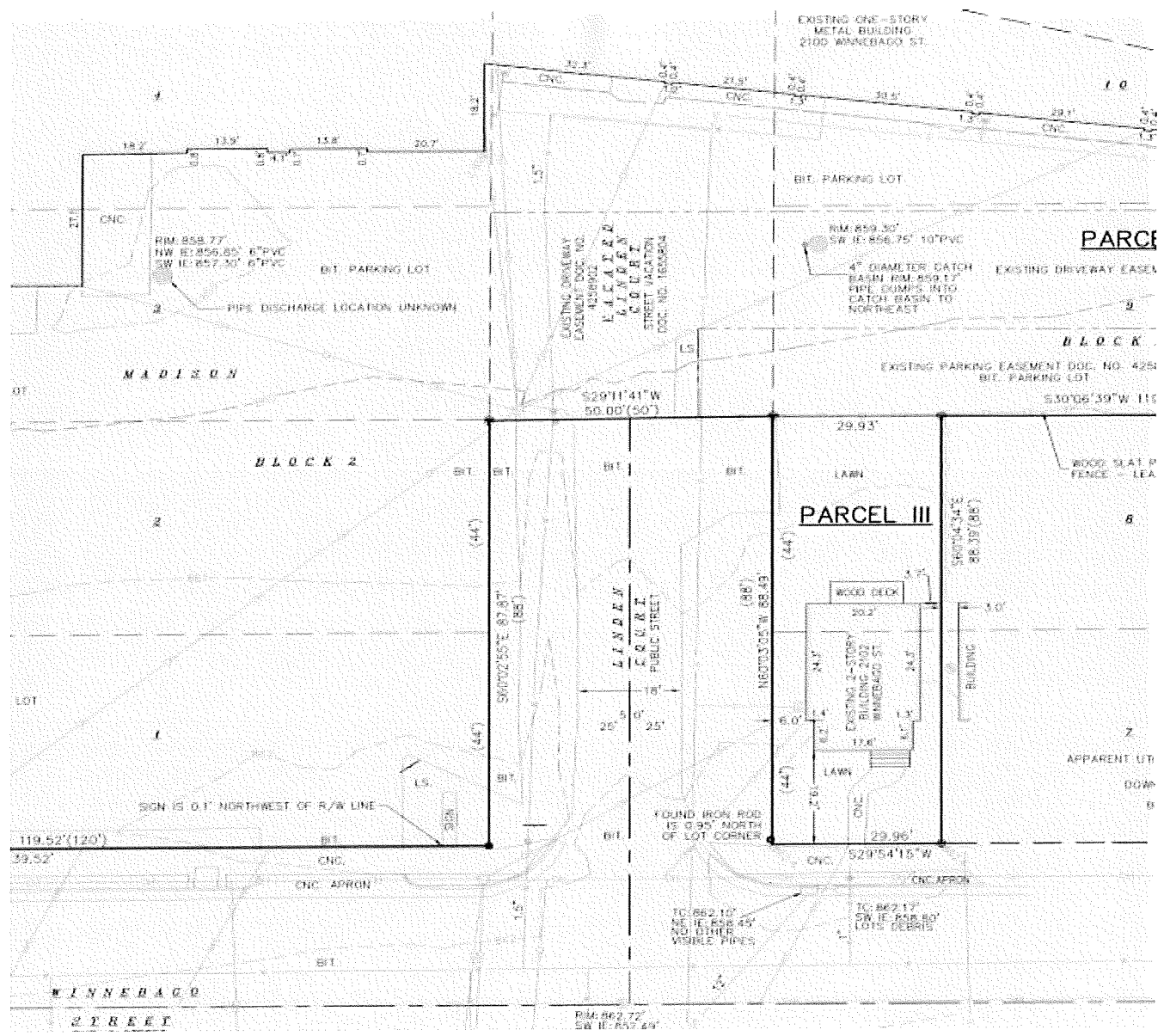
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Signed by grantor(s) or grantor(s) agent: Maribeth Witzel-Behl

Date: 10-30, 2017

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

**Exhibit D**



Lindbago Accipiter, LLC is the owner of 2102 Winnebago St. ("Parcel III" above), the only parcel adjacent to the vacation site other than the petitioner, Vogel Investments, LLC. Both entities are controlled by Accipiter Real Estate, LLC.

**Vogel Investments, LLC**  
 By: Accipiter Real Estate, LLC  
 Its: Majority Member  
 By: All of its Members:

*John Young*  
 John Young

*Adam Chern*  
 Adam Chern

**Lindbago Accipiter, LLC**  
 By: Accipiter Real Estate, LLC  
 Its: Sole Member  
 By: All of its Members:

*John Young*  
 John Young

*Adam Chern*  
 Adam Chern

## Exhibit E

### Concept Plan and Re-Development Project Description

- Accipiter Properties, Inc., is working with CohoMadison, Inc. (a cohousing community), and Madison Circus Space (“MCS”) to redevelop the properties located at 2048-2100 Winnebago Street in Madison, Wisconsin.
- The development will include a three-story 64,000 to 66,000 square foot building with 46 - 47 residential condominium units (studio, 1, 2 and 3 bedrooms); underground parking for resident use; and 4,100 square feet on the first floor, for artist studio commercial condominiums.
- It will also include a separate 2-story building of approximately 10,300 square feet for MCS (with a 7,300 square foot building footprint).
- Lot line adjustments via Certified Survey Map (CSM) will occur, changing the sizes and dimensions of the properties known as 2048, 2100, and 2114 Winnebago Street.

### Development Schedule

APRIL - JUNE 2017	Submit land use and subsidy applications to the City of Madison
AUGUST - SEPTEMBER 2017	Secure conditional approvals from the City of Madison.
OCTOBER - NOVEMBER 2017	Partial demolition of 2100 building / construction begins for MCS building
MARCH - APRIL 2018	MCS building construction complete
MARCH - APRIL 2018	Remaining demolition as required / construction begins for cohousing building
APRIL 2019	Cohousing building construction complete







