**An Ordinance Providing for Vacating a Portion of Wisconsin Avenue
as adopted in 1965 and amended in 1966, 1967 and 1971**

The Common Council of the City of Madison does ordain as follows:

Section 1. In accordance with the provisions of Section 66.296, Wisconsin Statutes, the Common Council of the City of Madison hereby vacates the following described street:

> All of that portion of Wisconsin Avenue, in the City of Madison, Dane County, Wisconsin, lying northwesterly of a line parallel to the northwesterly line of Langdon Street extended northeasterly and One Hundred Twenty-six (126) feet northwesterly from such extended line of Langdon Street.

Section 2. There is reserved to said City of Madison over the premises above described an easement to the extent reasonably necessary and appropriate to assure for the permanent benefit of the general public the following objectives:

(1)   Public pedestrian access across vacated Wisconsin Avenue to the shore of Lake Mendota, and riparian rights in said lake;

(2)   Public pedestrian access to and use of the top surface of any structure placed on vacated Wisconsin Avenue;

(3)   Public vehicular access and circulation over that portion of vacated Wisconsin Avenue lying southeasterly of any structure placed thereon;

(4)   Provision of reasonable parking spaces for public use on vacated Wisconsin Avenue;

(5)   Substantial preservation and reasonably feasible improvement of the visual outlook from the vicinity of the intersection of Wisconsin Avenue and Langdon Street northwesterly over Lake Mendota and of the appearance of vacated Wisconsin Avenue as viewed from said lake;

(6)   To require the creation of a public pedestrian easement extending from the vacated street along or adjacent to the shore of Lake Mendota across adjoining premises to the northeast;

(7)   To approve plans for any structure to be placed on said vacated street, the use of such structure and of the vacated street portion;

(8)   The objectives enumerated in subparagraphs (1) through (7) above shall be satisfied by the owner in a manner approved by the City of Madison and at no cost to the public for use, construction or maintenance. Liability for and continuing maintenance of the appearance, condition and usability of the vacated portion of Wisconsin Avenue and improvements placed thereon shall be the responsibility of the owner and shall be accomplished in a manner satisfactory to the City;

(9)   Adequate provision shall be made in the design and location of all improvements placed, constructed or installed on the vacated Wisconsin Avenue, to permit the installation and maintenance of public utilities and drainage;

(10)   Compliance with yard requirements of existing zoning and building codes or ordinances as to premises on the northeast and southwest sides of said vacated street portion in the same manner as though said street had not been vacated, except that buildings may encroach to not less than 10 feet from the vacated Wisconsin Avenue.

(11)   The area of the vacated Wisconsin Avenue shall not be allowable in any density calculation which will result in greater numbers of dwelling units, on the parcels to either side, than would be allowable without the vacation.

(12)   Nonseverance of ownership or use of the vacated portion of Wisconsin Avenue from the adjacent premises on either side.

(13)   If substantial improvement work is not commenced within five (5) years from the date of vacation of Wisconsin Avenue, the owners of said vacated Wisconsin Avenue agree to re-dedicate to the City of Madison, at no cost and with no conditions, that portion of Wisconsin Avenue vacated and included in this agreement.

(14)   Upon approval of the necessary plans and specifications pursuant to subsection (7) of Section 2 above, and upon completion of the project pursuant to such ordinance and upon delivery to the owner of the City of Madison of the necessary easement, the Common Council will certify that the conditions attached to the vacation have been met in full and will furnish the necessary documents to show such compliance.