



Office of the City Clerk

Room 103
210 Martin Luther King, Jr. Boulevard
Madison, Wisconsin 53703-3342
PH 608 266 4601
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FAX 608 266 4666
www.cityofmadison/clerk

CITY OF MADISON
INTER-DEPARTMENTAL
CORRESPONDENCE

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

FROM: Tammy Peters, City Clerk's Office

DATE: December 14, 2007

SUBJECT: **STREET VACATION**

Attached is a certified copy vacating all remaining portions of platted Sawyer Terrace and Frey Street, Resolution #: RES-07-00351, ID #: 05674. The resolution was adopted at a meeting of the Common Council held on March 20, 2007.

It was recorded in the Register of Deeds Office on April 4, 2007:

Document No. 4295670

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
Larry Nelson, Interim 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
George Hank, Inspection Unit
Jeff Ekola, Real Estate
Clerk file (scan & attach to legislative file)

RESOLUTION

Use black ink

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

official meeting held on March 20, 2007, 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 portions of Sawyer Terrace and Frey Street and a public "walk".

File #: 05674
Resolution #: RES-07-00351

A copy of the resolution is attached.

DANE COUNTY REGISTER OF DEEDS

DOCUMENT # 4295670

04/04/2007 11:00AM

Trans. Fee:
Exempt #:

Rec. Fee: 19.00
Pages: 5

001292

Recording area

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 April 4, 2007

Name printed Maribeth Witzel-Behl

Title City Clerk of Madison

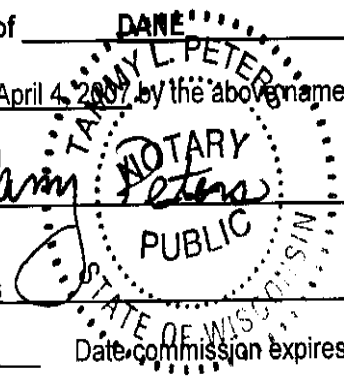
STATE OF WISCONSIN, County of DANE

Subscribed and sworn to before me on April 4, 2007 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

5/19



City of Madison Certified Copy

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

Resolution: RES-07-00351

001293

File Number: 05674

Enactment Number: RES-07-00351

Vacating / Discontinuing portions of Sawyer Terrace and Frey Street and a public "walk" as platted by University Hill Farms Commercial Reserve Addition being located in part of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ Section 20, Town 07 North, Range 09 East, City of Madison, Dane County, Wisconsin. 11th Ald. Dist.

PREAMBLE

The developer, Hilldale Building Company LLC, a Wisconsin Limited Liability Company, By: JFA Management LLC, an Illinois Limited Liability Company, has received the City of Madison's approval for a Planned Unit Development (PUD) to demolish existing buildings and construct residential units, parking ramp and retail space at 702 North Midvale Boulevard.

The proposed Hilldale Center Development requests the vacation / discontinuance of a dead end cul-de-sac portion of Sawyer Terrace, a portion of Frey Street which is being realigned and also a 20 feet wide public "Walk" connection to University Avenue, both dedicated by the University Hill Farms~Commercial Reserve Addition, to facilitate the final development phase of the Hilldale Center project.

Development plans, previously approved by the City of Madison and copied as part of this resolution, require the vacation / discontinuance of portions of Sawyer Terrace and Frey Street and the public "walk". The approved plan also provides for adequate replacement public sidewalk connections throughout this development to replace the lost public walk connection by this vacation / discontinuance.

The City Of Madison has various existing public sanitary sewer, public storm sewer and public water main within the proposed vacated / discontinued right of ways. The owner in accordance with approved Private Contract No 2029 and Addendums will relocate these facilities. Temporary public easements for these facilities will be maintained within the vacated / discontinued Sawyer Terrace right-of-way until such time as the new facilities are built and on-line and the existing facilities can be abandoned or removed by the owner. At that time the temporary easements expire and are hereby considered released.

NOW THEREFORE BE IT RESOLVED, that the City Of Madison hereby conditionally discontinues and vacates portions of Sawyer Terrace and Frey Street and a public walk as platted by University Hill Farms~Commercial Reserve Addition being located in part of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ Section 20, Town 07 North, Range 09 East, City of Madison, Dane County, Wisconsin under Wisconsin Statutes 66.1003(2) as shown on attached map and legal descriptions; and

NOW THEREFORE BE IT FURTHER RESOLVED, under Section 66.1005(2)(a), Wisconsin Statutes, Whenever any public highway or public ground acquired or held for public purposes has been vacated or discontinued, all easements and rights incidental to the easements that belong to any county, school district, town, village, city, utility, or person that relate to any underground or overhead structures, improvements, or services and all rights of entrance, maintenance, construction, and repair of the structures, improvements, or services shall continue, unless one of the following applies:

1. The owner of the easements and incidental rights gives written consent to the discontinuance of the easements and rights as a part of the vacation or discontinuance proceedings and the vacation or discontinuance resolution, ordinance or order refers to the owner's written consent.
2. The owner of the easements and incidental rights fails to use the easements and rights for a period of 4 years from the time that the public highway or public ground was vacated or discontinued.

NOW THEREFORE BE IT FURTHER RESOLVED, as previously stated, the City Of Madison has various existing public sanitary sewer, public storm sewer and public water main within the proposed vacated / discontinued right of ways. The owner in accordance with approved Private Contract No. 2029 and Addendums will relocate these facilities. Temporary public easements for these facilities will be maintained within the vacated / discontinued Sawyer Terrace right-of-way until such time as the new facilities are built and on-line and the existing facilities can be abandoned or removed by the owner. At that time the temporary easements expire and are hereby considered released.

NOW THEREFORE BE IT FURTHER RESOLVED, that the City Clerk validate this street vacation, upon adoption, by recording with the Dane County Register of Deeds.

I, Maribeth Witzel-Behl, certify that this is a true copy of Resolution No. RES-07-00351, passed by the COMMON COUNCIL on 3/20/2007.

Maribeth Witzel-Behl

4-4-07

Maribeth Witzel-Behl, City Clerk

Date Certified

Description: Sawyer Terrace Vacation

The platted walkway and part of Sawyer Terrace, all being part of the University Hill Farms – Commercial Reserve Addition, located in the NE 1/4 of the NW 1/4 of Section 20, T7N, R9E, in the City of Madison, Dane County, Wisconsin, to-wit:
Beginning at the northeast corner of the said platted walkway; thence along the east line of said platted walkway, S00°52'40"E, 54.20 feet to a point on a curve on the north and easterly line of Sawyer Terrace; thence southeasterly along a curve to the right which has a radius of 50.00 feet and a chord which bears S06°28'19"E, 87.25 feet to a point of reverse curve; thence continuing along said easterly line, southwesterly along a curve to the left which has a radius of 50.00 feet and a chord which bears S28°40'45"W, 43.20 feet to a point of reverse curve; thence continuing along said easterly line, southwesterly along a curve to the right which has a radius of 1150.00 feet and a chord which bears S08°26'08"W, 214.61 feet; thence N65°11'06"W, 93.36 feet to a point of curve; thence northwesterly along a curve to the left which has a radius of 180 feet and a chord which bears N73°46'58"W, 53.82 feet to the northerly line of Frey Street; thence along the said north line, S82°23'53"E, 71.59 feet to a point of curve; thence northeasterly along a curve to the left which has a radius of 15.00 feet and a chord which bears N54°33'31"E, 20.48 feet to a point of compound curve; thence along the easterly line of Lot 1, of the said University Hill Farms – Commercial Reserve Addition, northeasterly along a curve to the left which has a radius of 1090.00 feet and a chord which bears N05°20'08"E, 234.45 feet to a point of reverse curve; thence continuing along the said easterly line, northeasterly along a curve to the right which has a radius of 50.00 feet and a chord which bears N48°46'56"E, 76.18 feet; thence continuing along the said easterly line, N00°52'40"W, 50.65 feet to the south line of University Avenue; thence along said south line, N89°07'20"E, 12.00 feet to the point of beginning. This parcel contains 23,553 sq. ft., - 0.54 acres.

Bearings in the description are referenced to Grid North of the Wisconsin State Plane Coordinate System – South Zone – North American Datum of 1927.

This instrument was drafted by:
Arnold & O'Sheridan, Inc.
February 14, 2007
Job # 060040
SHEET 1 OF 2

UNIVERSITY AVENUE

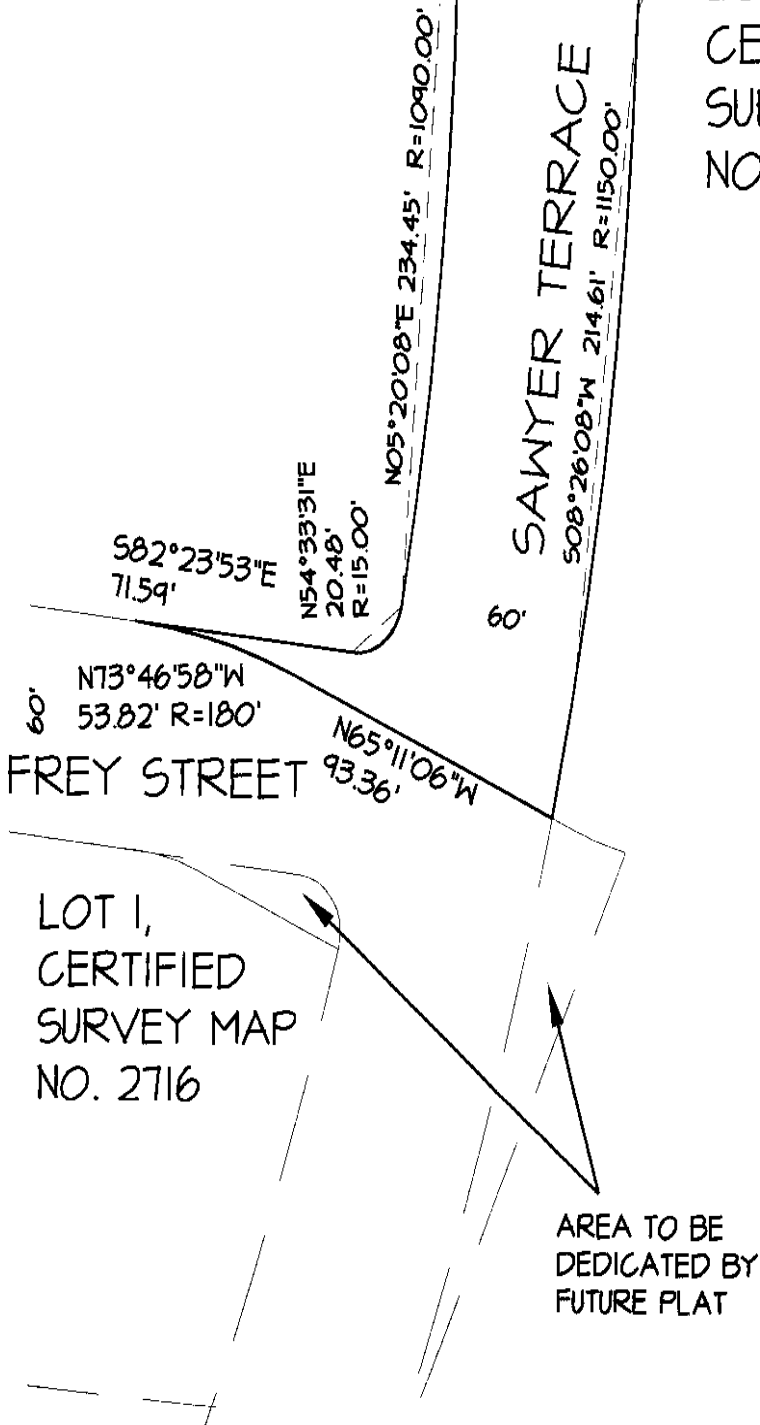
N89°07'20"E
12.00'

MAP OF DESCRIPTION

LOT 1,
BLOCK 32,
UNIVERSITY
HILL FARMS
COMMERCIAL
RESERVE
ADDITION

SURVEYED FOR:
JOSEPH FREED AND
ASSOCIATES, LLC
220 N. SMITH STREET SUITE
300
PALATINE, IL 60067

LOT 1,
CERTIFIED
SURVEY MAP
NO. 11595



SCALE 1" = 60'

SAWYER TERRACE VACATION

FEBRUARY 14, 2007



ARNOLD AND O'SHERIDAN INC

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: 4-4-07 (USE BLACK INK ONLY)

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