



City of Madison

City of Madison
Madison, WI 53703
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Master

File Number: 33139

File ID: 33139

File Type: Resolution

Status: Items Referred

Version: 1

Reference:

Controlling Body: PLAN
COMMISSION

File Created Date : 02/14/2014

File Name: Discontinuing/Vacating of a portion of Dow Court.

Final Action:

Title: Discontinuing/Vacating of a portion of Dow Court from W. Wilson Street southeasterly to the current southerly terminus, being part of Dow Replat located in the Northwest 1/4 of the Southeast 1/4 of Section 23, Town 7 North, Range 9 East, City of Madison, Dane County, Wisconsin. (4th AD)

Notes: Jeff Q.

Sponsors: Paul E. Skidmore and Michael E. Verveer

Effective Date:

Attachments: Findorff utility 2014.pdf, Dow Ct Vacation.pdf, JHF NCBE Vacate letter.pdf, bpw mailing affidavit.pdf

Enactment Number:

Author: Rob Phillips, City Engineer

Hearing Date:

Entered by: mhacker@cityofmadison.com

Published Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Engineering Division	02/14/2014	Referred for Introduction				
	Action Text:		This Resolution was Referred for Introduction				
	Notes:		Board of Public Works, Plan Commission				
1	COMMON COUNCIL	02/25/2014	Refer	BOARD OF PUBLIC WORKS			
	Action Text:		This Resolution was Refer to the BOARD OF PUBLIC WORKS				
	Notes:		Additional Referral Plan Commission.				
1	BOARD OF PUBLIC WORKS	02/25/2014	Referred	PLAN COMMISSION			
	Action Text:		This Resolution was Referred to the PLAN COMMISSION				
	Notes:						
1	BOARD OF PUBLIC WORKS	03/19/2014					

Text of Legislative File 33139

Fiscal Note

This vacation/discontinuance of approximately 2,645 sq. ft. of Dow Court public right-of-way for transfer to adjoining land owners to facilitate future development of the site. No expenditure of City funds required.

Title

Discontinuing/Vacating of a portion of Dow Court from W. Wilson Street southeasterly to the current southerly terminus, being part of Dow Replat located in the Northwest 1/4 of the Southeast 1/4 of Section 23, Town 7 North, Range 9 East, City of Madison, Dane County, Wisconsin. (4th AD)

Body

WHEREAS, Dow Court was dedicated to the public per the plat of Dow Replat of Lots 4, 5, 6 and S.W. 57' of 7, Block 28, which was recorded January 15, 1912, in Volume 7 of Plats, Page 3, as Document No. 315740, Dane County Registry; and

WHEREAS, portions of Dow Court have been previously vacated/discontinued and easement rights retained by the City of Madison on June 6, 2006 per Enactment Number RES-06-00474, File No. 03403, recorded as Document No. 4204089, Dane County Registry and also on December 5, 2000 per Resolution Number 57810, ID Number 28347, recorded as Document No. 3274037, Dane County Registry; and

WHEREAS, J. H. Findorff & Son Inc. and the National Conference of Bar Examiners have provided a written request that the City of Madison vacate/discontinue a portion of a public street known as Dow Court, the written request for vacation/discontinuance is attached hereto and made part of this resolution; and

WHEREAS, J.H. Findorff & Son Inc. and the National Conference of Bar Examiners own all the abutting property of the proposed Dow Court vacation/discontinuance area; and

WHEREAS, The vacated/discontinued portion of Dow Court is to be incorporated into a proposed development project per Subdivision Application (ID No. 33077) and Land Use Application (ID No. to be determined), both submitted on January 22, 2014 to the City of Madison by J. H. Findorff & Son Inc., the utility plan of the proposed site development is attached hereto and made part of this resolution; and

WHEREAS, D'Onofrio Kottke and Associates Inc., the Civil Engineering / Surveying consultant for the project, has prepared the necessary Dow Court vacation/discontinuance map and legal description exhibits which are attached hereto and made part of this resolution; and

WHEREAS, the City Of Madison currently has existing public sanitary sewer and public water main facilities within the portion of Dow Court to be vacated/discontinued; and

WHEREAS, the City of Madison will not require the perpetuation for public use the existing public street or public storm sewer improvements within the portion of Dow Court to be vacated/discontinued, and;

WHEREAS, the City Engineering Division recommends approval of this street vacation subject to conditions of approval listed later in this resolution.

NOW THEREFORE BE IT RESOLVED, that the City Of Madison hereby conditionally vacates and discontinues a portion of Dow Court as shown on attached map and legal description, under Wisconsin ss. 66.1003(2), upon completion of the following conditions to the satisfaction of the City Engineer:

- J.H. Findorff & Sons, Inc. (developer) shall enter into any agreement(s) required by the

- City of Madison in conjunction with the approval of the proposed development.
- J.H. Findorff & Sons, Inc. (developer) shall provide all required information and fees to the City of Madison Office of Real Estate Services to create the necessary documents to release the public sanitary sewer and water main easements previously retained per Document No. 4204089 and Document No. 3274037, Dane County Register of Deeds.
- J.H. Findorff & Sons, Inc. (developer) shall provide all required information and fees to the City of Madison Office of Real Estate Services to create the subsequent easement/agreement document further defining and memorializing the public sanitary sewer and public water main easements retained by this resolution.
- J. H. Findorff & Sons, Inc. (developer) shall obtain conditional Land Division and Land Use approvals for the proposed development that are consistent with, as determined by the City Engineer, the portion of Dow Court being vacated/discontinued.

BE IT FURTHER RESOLVED, that under Section 66.1005(2), the City Of Madison retains 20 foot wide public easements over all and centered upon the existing public sanitary sewer and public water main facilities located within the portion of Dow Court to be vacated/discontinued. Those easements retained shall be further defined and memorialized by an easement/agreement document drafted by the City of Madison Office of Real Estate Services and recorded at the Dane County Register of Deeds.

BE IT FURTHER RESOLVED, that under Section 66.1005(2)(a)(1), the City Of Madison discontinues easements and rights in conjunction with the storm sewer and street improvements within the portion of Dow Court to be vacated/discontinued. This resulting in the ownership, maintenance, removal and/or replacement of the abandoned storm sewer and street improvements being vested in the owner(s) of the vacated/discontinued lands; and

BE IT FURTHER RESOLVED, under Section 66.1005(2), Wisconsin Statutes, other than those easements and rights released above, any other existing easements and rights that exist within the vacated street areas shall continue as part of this vacation/discontinuance; and

BE IT FINALLY RESOLVED, upon Common Council adoption of this resolution and completion all street vacation conditions identified above to the satisfaction of the City Engineer, the City Engineer will then authorize the City Clerk to validate this street vacation/discontinuance by recording it 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;