

RESOLUTION



8 6 9 6 9 3 0
Tx:8544391

KRISTI CHLEBOWSKI
DANE COUNTY
REGISTER OF DEEDS

DOCUMENT #
5078543

06/23/2014 4:00 PM
Trans. Fee:
Exempt #:
Rec. Fee: 30.00
Pages: 7

Use black ink

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

official meeting held on April 8, 2014, 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.")

Vacation/Discontinuance of a portion of Dow Court.
(SEE ATTACHED)

File #: 33139
Resolution #: RES-14-00245

A copy of the resolution is attached.

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 June 19, 2014
Date

Name printed Maribeth Witzel-Behl

Title City Clerk of Madison

STATE OF WISCONSIN, County of DANE

Subscribed and sworn to before me on June 19, 2014 by the above named person(s).

Signature of notary or other person authorized to administer an oath

Eric A. Christianson

This document was drafted by:
(print or type name below)

(as per s. 706.06, 706.07)

Print or type name: Eric Christianson

Eric Christianson

Title Municipal Clerk 2 Date commission expires: 6-29-18

Names of persons signing in any capacity must be typed or printed below their signature.
DCROD 3/1/2002

7



City of Madison

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

Certified Copy

Resolution: RES-14-00245

File Number: 33139

Enactment Number: RES-14-00245

SUBSTITUTE - 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)

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 and public sanitary sewer, and public water 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 public water, storm and sanitary 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 public water, storm-~~sewer~~ and sanitary sewer and street improvements being vested in the owner(s) of the vacated/discontinued lands; and

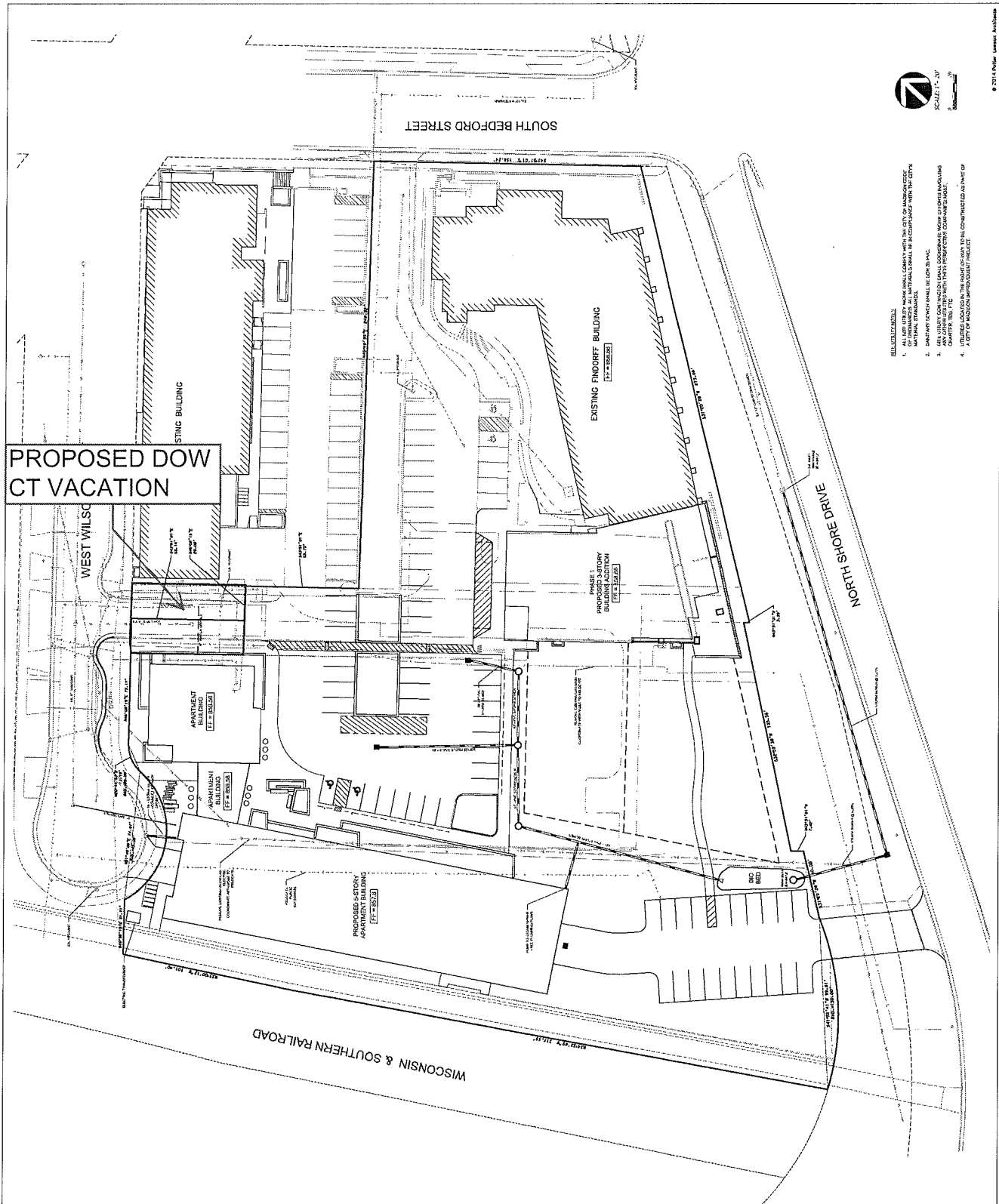
BE IT FURTHER RESOLVED, under Section 66.1005(2), Wisconsin Statutes, other than those easements and rights released above, any other existing easements and rights that exist within the vacated street areas shall continue as part of this vacation/discontinuance; and

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;

I, City Clerk Maribeth Witzel-Behl, certify that this is a true copy of Resolution No. 14-00245, adopted by the Madison Common Council on April 8, 2014.

Eric A. Chin For

6.19.14
Date Certified



- REVISIONS:**
1. ALL UTILITIES SHALL COMPLY WITH THE CITY OF MADISON'S UTILITIES DEPARTMENT'S STANDARDS AND SPECIFICATIONS FOR UTILITIES AS APPLICABLE TO THE CITY.
 2. SANITARY FORCE SHALL BE 18" DIA. PVC.
 3. ALL UTILITIES SHALL BE 18" DIA. PVC.
 4. ALL UTILITIES SHALL BE 18" DIA. PVC.
 5. ALL UTILITIES SHALL BE 18" DIA. PVC.

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

Date: 6.19.2014

December 12, 2013

City of Madison Engineering
Robert Phillips, City Engineer
210 Martin Luther King Jr. Blvd.
Room 115
Madison, WI 53703

RE: National Conference of Bar Examiner (NCBE) and J.H. Findorff & Son
request of vacate the remainder of Dow Court

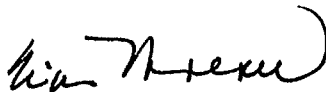
Dear Robert,

On behalf of JH Findorff and National Conference of Bar examiners we are requesting the vacation of the remainder of Dow Court fronting Lots 1 and 2 of the Dow Court Replat in which Findorff has recently acquired. As part of further development of the Findorff Yards we will need to vacate the remaining portion of Dow Court as shown on the attached vacation description and mapping. A submittal for zoning will be taking place around the first of the year.

Sincerely,



Mike Dillis
J.H. Findorff & Son

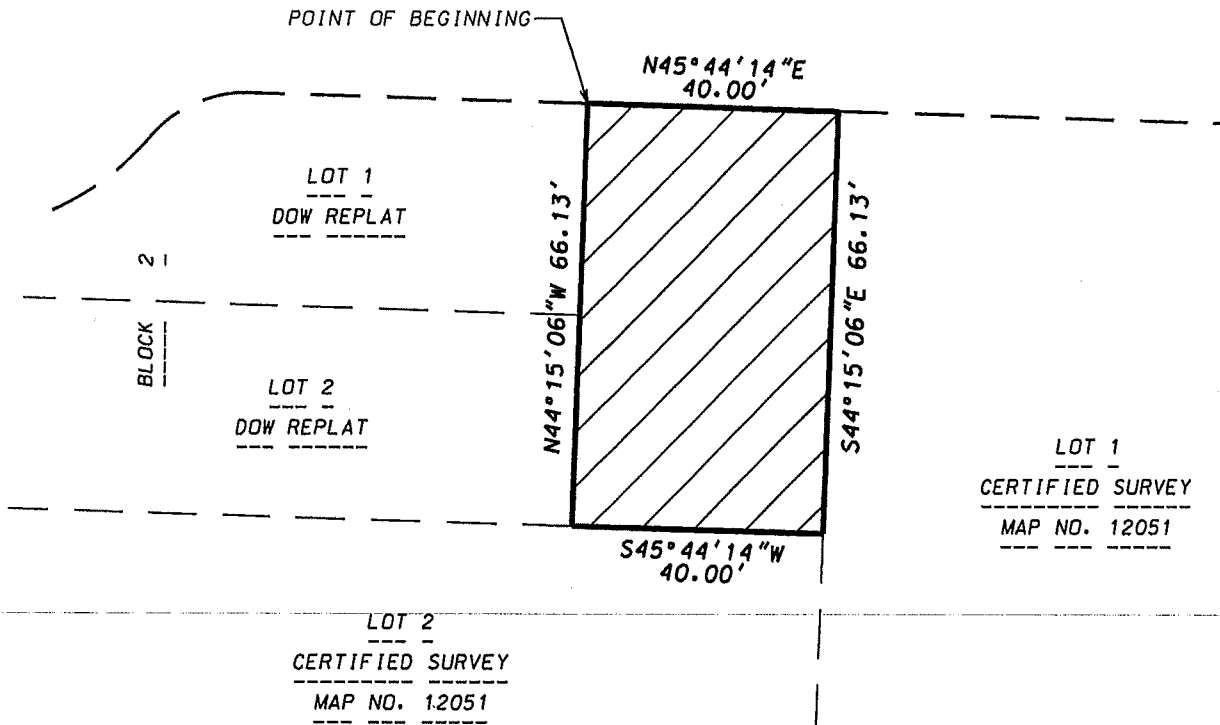


Erica Moeser
National Conference of Bar Examiners

CC: Dan Day, Donofrio Kottke & Associates

PORTION OF DOW COURT TO BE VACATED

WEST WILSON STREET



DOW COURT AREA TO BE VACATED

Part of Dow Court within the Dow Replat of Lots 4, 5, 6 and southwest 57 feet of Lot 7, Block 28, recorded in Volume 7 of Plats on Page 3, Dane County Registry, located in the NW1/4 of the SE1/4 of Section 23, T7N, R9E, City of Madison, Dane County, Wisconsin, to-wit: Beginning at the most Northerly corner of Lot 1, Block 2 of said Dow Replat; thence N45°44'14"E, 40.00 feet; thence S44°15'06"E, 66.13 feet; thence S45°44'14"W, 40.00 feet; thence N44°15'06"W, 66.13 feet to the point of beginning. Containing 2.645 square feet (0.06 acres).

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: 6-19-14
 Name of grantor(s) or grantor(s) agent printed: Maribeth Witzel-Behl

D'ONOFRIO KOTTKE AND ASSOCIATES, INC.

7530 Westward Way, Madison, WI 53717
 Phone: 608.833.7530 • Fax: 608.833.1089
 YOUR NATURAL RESOURCE FOR LAND DEVELOPMENT



0 30

 Scale 1" = 30'

DATE: 11-12-13
 F.N.: 13-02-155