

RESOLUTION

Use black ink

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

Circle one

official meeting held on May 19, 2015, 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 and Discontinuing the southerly 255.72 feet of Fitch Court lying northerly and adjacent to University Avenue, being part of Block 5, University Addition to Madison located in the Northeast 1/4 of the Northwest 1/4 of Section 23, Town 7 North, Range 9 East, City of Madison, Dane County, Wisconsin. (8th AD)

File #: 37751

Resolution #: RES-15-00443

A copy of the resolution is attached.



8 8 7 3 0 0 5
Tx:8675710

KRISTI CHLEBOWSKI
DANE COUNTY
REGISTER OF DEEDS

DOCUMENT #

5163253

06/26/2015 2:47 PM

Trans. Fee:

Exempt #:

Rec. Fee: 30.00

Pages: 16

Recording area

Madison City Clerk
210 MLK Jr Blvd
Rm 103
Madison WI 53703

Maribeth Witzel-Behl

Signature of City/Village/Town official

June 22, 2015

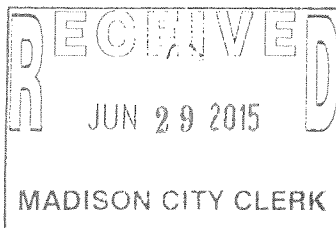
Date

Maribeth Witzel-Behl

Name printed

City Clerk of Madison

Title



STATE OF WISCONSIN, County of DANE

Subscribed and sworn to before me on June 22, 2015 by the above named person(s).

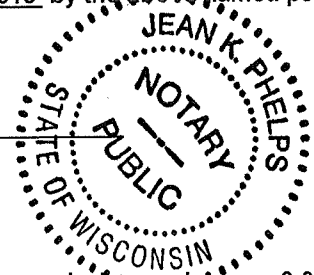
Signature of notary or other person authorized to administer an oath

Jean K. Phelps

(as per s. 706.06, 706.07)

Print or type name: Jean K Phelps

Title WI Certified Municipal Clerk



Date commission expires: 6-02-18

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

Jean Phelps

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

16



City of Madison

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

Certified Copy

Resolution: RES-15-00433

File Number: 37751

Enactment Number: RES-15-00433

Vacating and Discontinuing the southerly 255.72 feet of Fitch Court lying northerly and adjacent to University Avenue, being part of Block 5, University Addition to Madison located in the Northeast 1/4 of the Northwest 1/4 of Section 23, Town 7 North, Range 9 East, City of Madison, Dane County, Wisconsin. (8th AD)

WHEREAS, Fitch Court was dedicated to the public as an unnamed alley within Block 5, per the plat of University Addition to Madison, which was recorded August 28, 1850, in Volume A of Plats, Page 9, as Document No. 109, Dane County Registry; and

WHEREAS, an Easement for Public Highway was granted to the City of Madison per Document No. 1447141, Dane County Registry providing public access between Fitch Court and Lake Street over the northerly 18 feet of Lot 5, Block 5, of said University Addition to Madison; and

WHEREAS, a private Easement was recorded as Document No. 4204090, Dane County Registry, said easement provides a non-exclusive and unimpeded easement and right of way over the northerly 31 feet of Lot 13, Block 5, of said University Addition to Madison, between Fitch Court and East Campus Mall for the purposes of a fire lane, car and truck service/loading zone access, pedestrian accessibility and bicycle parking ; and

WHEREAS, the Board of Regents of the University of Wisconsin System has provided a written request to the City of Madison to vacate and discontinue a portion of a public alley known as Fitch Court, the written request for vacation and discontinuance also includes the signatures of all owners of lands abutting the entire length of Fitch Court. The said written request is attached hereto and made part of this resolution; and

WHEREAS, the Board of Regents of the University of Wisconsin System owns all the abutting property of the portion of Fitch Court requested to be vacated and discontinued; and

WHEREAS, the portion of Fitch Court to be vacated and discontinued will be incorporated into the site development of a music performance facility proposed by the University of Wisconsin. The conditional use for the facility was approved by the City of Madison Plan Commission on February 9, 2015, file ID No. 36620, with conditions requiring the said vacation and discontinuance of the portion of Fitch Court and the grant of a public ingress/egress easement to the City of Madison connecting the south end of the Fitch Court remnant to Lake Street; and

WHEREAS, the portion of Fitch Court to be vacated and discontinued is to be incorporated into a Certified Survey Map, conditionally approved by the City of Madison Common Council on February 24, 2015, RES-15-00174, File No. 36625, with conditions requiring the said vacation and discontinuance of the portion of Fitch Court and the grant of a public ingress/egress easement to the City of Madison connecting the south end of the Fitch Court remnant to Lake Street; and

WHEREAS, JSD Professional Services., the Surveying consultant for the project, has prepared the necessary Fitch Court vacation and 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 Fitch Court to be vacated and discontinued; and

WHEREAS, as part of the proposed site development for the music performance facility, the City of Madison shall abandon the public street, sanitary sewer and public water facilities within the portion of Fitch Court to be vacated and discontinued. Per ss. 66.1005(2)(a)(1), upon the abandonment of those facilities, all easements and rights incidental to those easements that belong to the City of Madison that relate to the said facilities shall be considered released by the City of Madison, and;

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

NOW THEREFORE BE IT RESOLVED, that the City Of Madison hereby conditionally vacates and discontinues a portion of Fitch 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:

- The Board of Regents of the University of Wisconsin System (developer) shall enter into any agreement(s) required by the City of Madison in conjunction with the approval of the proposed development.
- The Board of Regents of the University of Wisconsin System (developer) shall satisfy the Certified Survey Map and Land Use conditions of approval.

BE IT FURTHER RESOLVED, that under ss. 66.1005(2)(a)(1), the City Of Madison discontinues and releases any easements and rights that relate to the public water, sanitary sewer and street facilities within the portion of Fitch Court being vacated and discontinued. The discontinuance and release of those easements and rights shall become effective upon the abandonment of those facilities; 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 and 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 and 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. 37751, passed by the COMMON COUNCIL on 5/19/2015.

Maribeth Witzel-Behl

6/26/2015

Date Certified



March 9, 2015

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

**RE: FITCH COURT DISCONTINUANCE/VACATION OF RIGHT-OF-WAY
UNIVERSITY OF WISCONSIN-MADISON**

This letter is our formal request from the Board of Regents to the City of Madison to request vacation of a portion of Fitch Court North of University Avenue. Please accept this petition material packet for the discontinuance of the right-of-way as defined by the enclosed materials. Other materials for your review include:

- Exhibit A – Legal Description of Area
- Exhibit B – Map of Discontinuance/Vacation
- Exhibit C – Surveyor Stamped Condition Report
- Exhibit D – Adjacent Land Owner's Signatures/Contact Information with Map
- Exhibit E – Concept Plan for Music Performance

Please contact me at 608-263-3023 if you have any questions or need further information.

Thank you,

Gary A. Brown, FASLA
Director, Campus Planning & Landscape Architecture
Facilities Planning & Management, University of Wisconsin-Madison

cc: Pete Heaslett, UW-Madison FP&M Project Manager
Aaron Williams, Assistant Campus Planner & Zoning Coordinator

Facilities Planning & Management

9th Floor WARF Building 610 Walnut Street Madison, Wisconsin 53726-2397
(608) 263-3000 FAX (608) 265-3139 TTY (608) 265-5147



EXHIBIT A

*The Board of Regents of the
University of Wisconsin System
1860 Van Hise Hall
1220 Linden drive
Madison, WI 53706*

*EXHIBIT A
Fitch Court Discontinuance of Right-of-Way*

Part of Fitch Court, Block 5, University Addition to the City of Madison, located in the Northeast Quarter of the Northwest Quarter of Section 23, Township 07 North, Range 09 East, City of Madison, Dane County, Wisconsin, described as follows:

Commencing at the North Quarter corner of Section 23, aforesaid; thence North 88 degrees 45 minutes 46 seconds West along the North line of the Northwest Quarter, 1,072.42 feet to the Northerly extension of the East right-of-way line of Fitch Court; thence South 01 degrees 18 minutes 46 seconds West along said line, 339.88 feet to the Point of Beginning; thence continuing South 01 degrees 18 minutes 46 seconds West along said East right-of-way line, 225.72 feet to the South line of Block 5, aforesaid, and also being the North right-of-way line of University Avenue; thence North 88 degrees 46 minutes 09 seconds West along said line, 19.04 feet to the West right-of-way line of Fitch Court; thence North 01 degrees 18 minutes 46 seconds East along said right-of-way line, 225.72 feet; thence South 88 degrees 45 minutes 54 seconds East, 19.04 feet to the Point of Beginning.

Parcel contains 4,298 square feet or 0.099 acres.

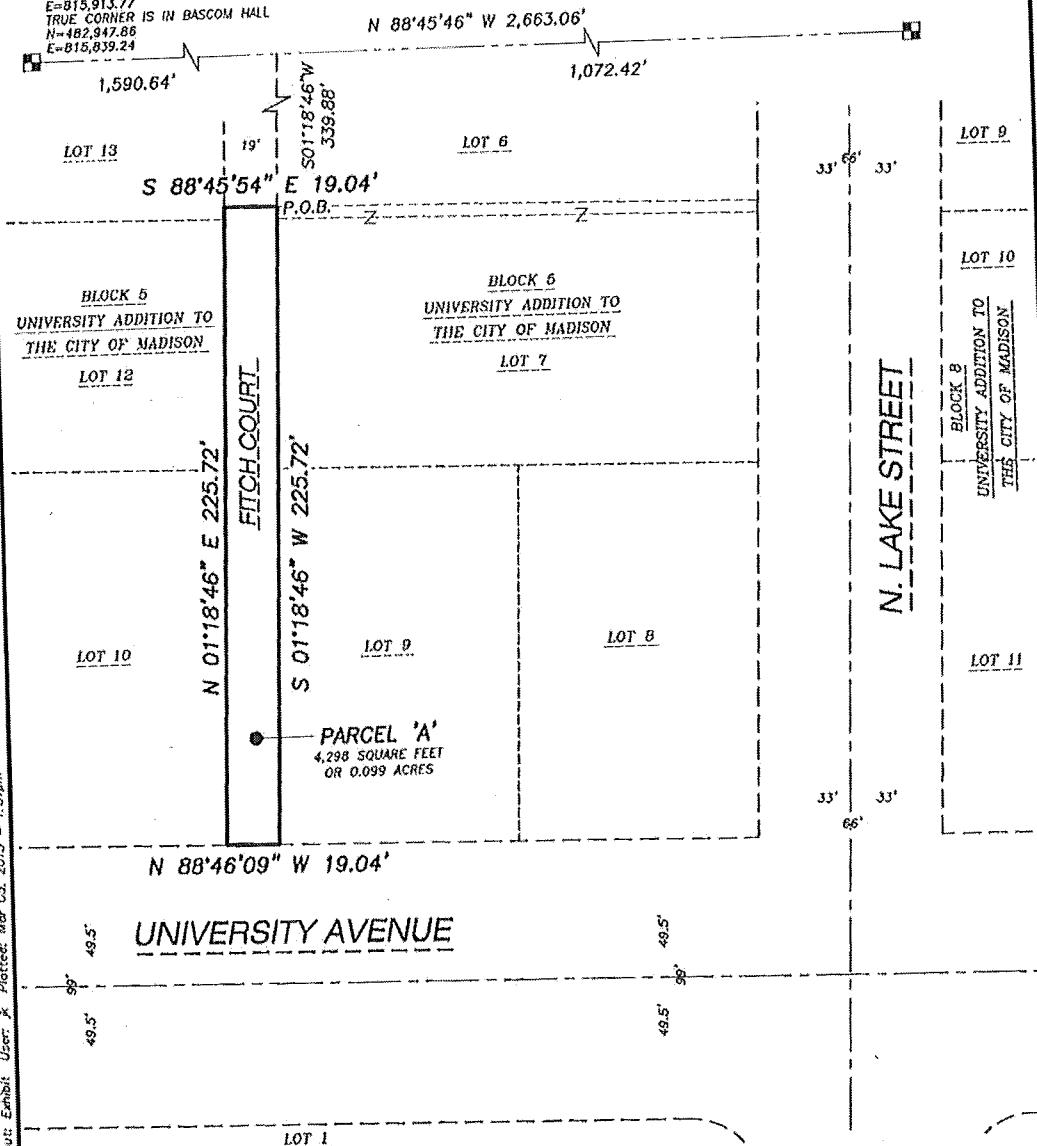
EXHIBIT B

EXHIBIT: DISCONTINUANCE/VACATION







PART OF FITCH COURT, BLOCK 5, UNIVERSITY ADDITION TO THE CITY OF MADISON, LOCATED IN THE
NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 07 NORTH, RANGE 09 EAST,
CITY OF MADISON, DANE COUNTY, WISCONSIN

NW CORNER
SECTION 23-07-09
FOUND CONCRETE MONUMENT WITH BRASS
CAP AT THE WITNESS CORNER
N=482,946.25
E=815,913.77
TRUE CORNER IS IN BASCOM HALL
N=482,947.86
E=815,839.24

NORTH QUARTER CORNER
SECTION 23-07-09
FOUND CONCRETE MONUMENT
WITH BRASS CAP
N=482,890.36
E=818,501.88



LEGEND

-  GOVERNMENT CORNER
 PARCEL BOUNDARY
 CENTERLINE
 RIGHT-OF-WAY LINE
 PLATTED LOT LINE
 SECTION LINE

NOTES

1. BEARINGS FOR THIS SURVEY AND MAP ARE BASED ON THE WISCONSIN COUNTY COORDINATE SYSTEM, (WCCS), DANE COUNTY, THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 23-07-09, BEARS N 88°45'46" W.
2. FIELD WORK PERFORMED BY JSD PROFESSIONAL SERVICES, INC. THE WEEK OF DECEMBER 02, 2014.

PREPARED BY:
JSD Professional Services, Inc.
• Engineers • Surveyors • Planners
161 HORIZON DRIVE, SUITE 101
VERONA, WISCONSIN 53593
PHONE: (608) 848-5060

PREPARED FOR:
THE BOARD OF REGENTS
OF THE UNIVERSITY OF
WISCONSIN SYSTEM
1860 VAN HISE HALL
1220 LINDEN DRIVE
MADISON, WI 53706

PROJECT NO: 14-6359
FILE NO: B-272
FIELDBOOK/PAGE: -
SHEET NO: 1 OF 1

SURVEYED BY: AWH
DRAWN BY: JK
CHECKED BY: TJB
APPROVED BY: HPJ

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: _____

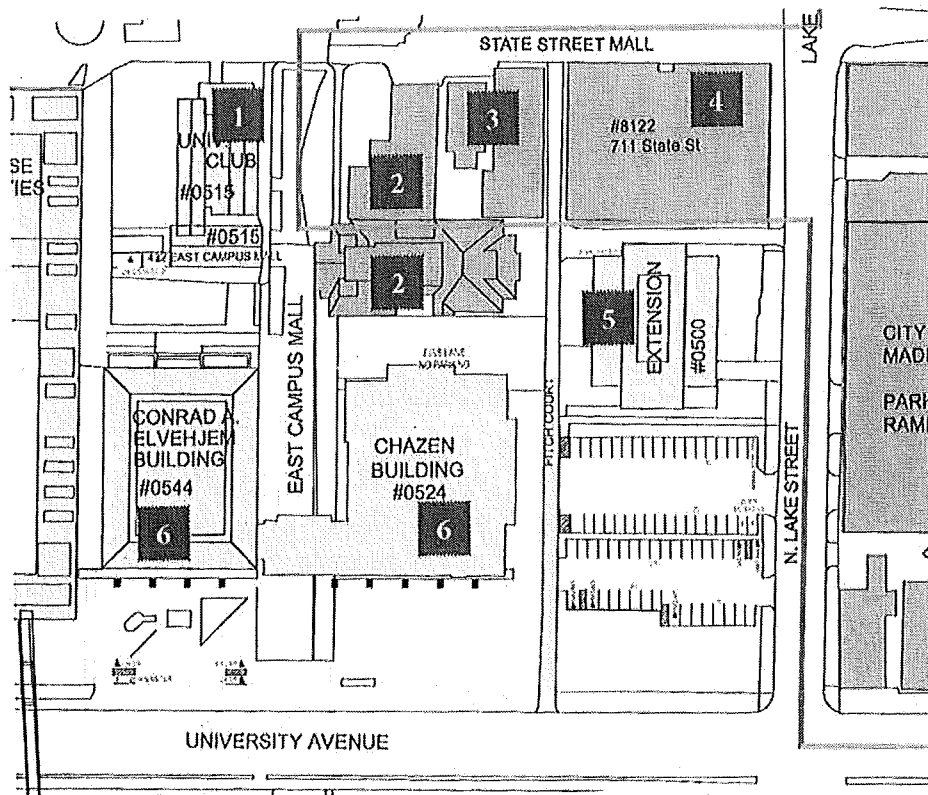
Name of grantor(s) or grantor(s) agent printed: Maribeth Witzel-Behl

Date: 6-22-15

Exhibit: Exhibit: User: User: Plotted: Mar 05, 2015 - 1:51pm

EXHIBIT D: EXISTING FITCH COURT ADJACENT LAND OWNERS/USERS

<p>1. University Club 803 State Street UW Board of Regents property ownership William H. Elvey, Associate Vice Chancellor, 608-263-3000</p> <p><i>W. M. Elvey</i> (signature)</p>	<p>2. Pres House & Pres House Apartments 731 State Street & 439 East Campus Mall Rev. Mark Elsdon, 608-257-1030</p> <p>See Attached Sheet D-1</p> <p>(signature)</p>
<p>3. St. Paul's Catholic Center 723 State Street Mike Varda, 608-258-3140</p> <p>See Attached Sheet D-2</p> <p>(signature)</p>	<p>4. Lutheran Church South Wisconsin District 701 State Street (University Bookstore) Rev. John Wille, 414-464-8100</p> <p>See Attached Sheet D-3</p> <p>(signature)</p>
<p>5. UW Extension Building 432 N. Lake Street UW Board of Regents property ownership William H. Elvey, Associate Vice Chancellor, 608-263-3000</p> <p><i>W. M. Elvey</i> (signature)</p>	<p>6. Chazen Museum of Art 750 University Ave UW Board of Regents property ownership William H. Elvey, Associate Vice Chancellor, 608-263-3000</p> <p><i>W. M. Elvey</i> (signature)</p>



Music Performance Center
Property Ownership
Facilities Planning & Management

- 1 University Club
Owner: UW Board of Regents
- 2 Pres House/Pres House Apts.
Owner: Presbyterian Student Center Foundation
- 3 St. Pauls Church
Owner: St. Paul University Catholic Foundation
- 4 University Book Store
Owner: Lutheran Church Southern Wisconsin
- 5 UW Extension
Owner: UW Board of Regents
- 6 Chazen Museum of Art
Owner: UW Board of Regents

Fitch Court
Discontinuance/Vacation

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6-22-15

Date:

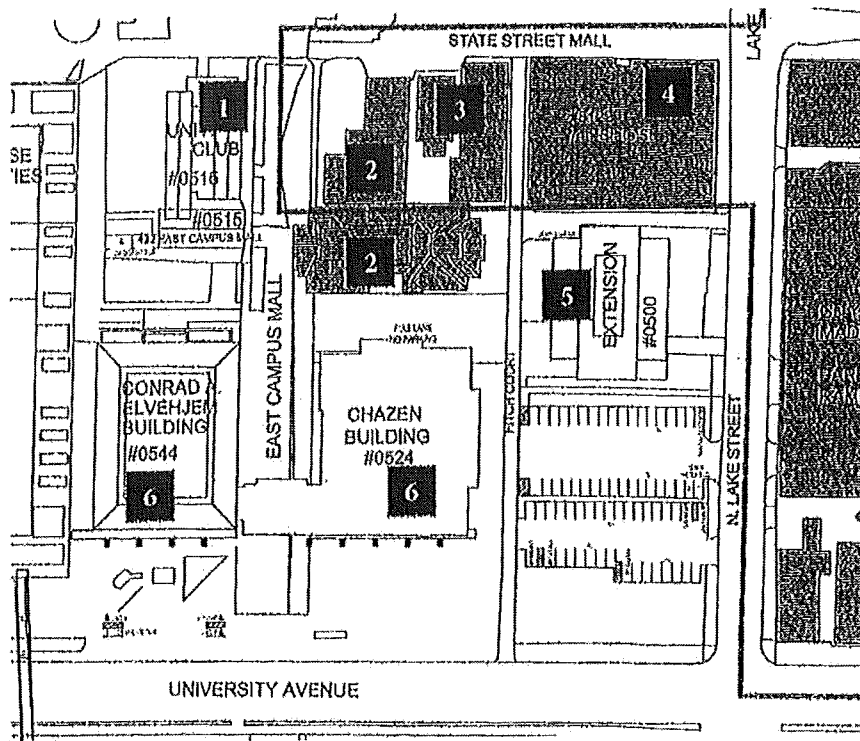
Maribeth Witzel-Behl

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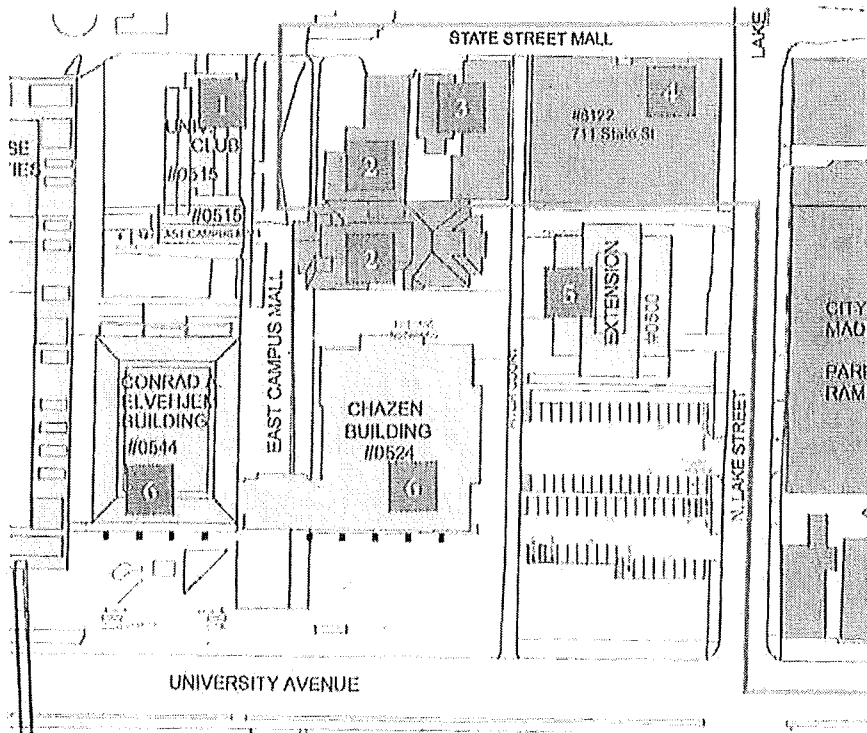
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Name of grantor(s) or grantor(s) agent printed: Maribeth Witzel-Behl

Date: 6-22-15

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<p>3. St. Paul's Catholic Center 723 State Street Mike Varda, 608-258-3140 <i>Chair, Bd. of Directors St. Paul University Catholic Foundation, Inc.</i> <i>Michael S. Varda 3/3/2005</i></p> <p>(signature)</p>	<p>4. Lutheran Church South Wisconsin District 701 State Street (University Bookstore) Rev. John Wille, 414-464-8100</p> <p>(signature)</p>
<p>5. UW Extension Building 432 N. Lake Street UW Board of Regents property ownership Bill Elvey, Associate Vice Chancellor, 608-263-3000</p> <p>(signature)</p>	<p>6. Chazen Museum of Art 750 University Ave UW Board of Regents property ownership Bill Elvey, Associate Vice Chancellor, 608-263-3000</p> <p>(signature)</p>



Music Performance Center
Property Ownership
Facilities Planning & Management

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Fitch Court
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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: 6-22-15

March 3, 2015



ST. PAUL
CATHOLIC CENTER

At the University of Wisconsin - Madison

723 State Street Madison, WI 53703

Mr. Gary A. Brown, Director
Planning & Landscape Architecture
Facilities Planning & Management
University of Wisconsin-Madison
9th Floor WARF
610 North Walnut Street
Madison, WI 53726

Re: Fitch Court Discontinuance/Vacation of Right-of-Way
University of Wisconsin-Madison

Dear Mr. Brown:

On behalf of the St. Paul University Catholic Foundation, Inc., I have executed in my capacity as Chair of the Board of Directors, the enclosed consent Exhibit D setting for signature blocks for the adjacent landowners consenting to the discontinuance or vacation of the southern portion of Fitch Court as set forth in Exhibit C that we received. I hope this facilitates the University's planning needs regarding the proposed Music Performance Center.

I would like to thank the University for its cooperation with St. Paul's proposed project to rebuild its chapel and student center building at 723 State Street. I received an e-mail yesterday from Aaron Williams that greatly assisted in understanding the "big picture." I understand that the Permanent Access Easement, Document 4084-001 was furnished for St. Paul's final City of Madison approvals, along with C-604 C Site Access 1, the Temporary Access Easement, and the Temporary Access Easement Metes and Bounds Description. We look forward to working with the UW regarding temporary air rights easements for crane movement during construction and any necessary adjustments to the access ROWs to the interior of the block when all construction is complete.

If you have questions, please feel free to contact Fr. Eric Nielsen at 258-3140, ext. 120; our architect, Randy Milbrath of RDG, 402-392-0133; or Attorney Ron Trachtenberg, 661-3975. Again, thank you for your consideration, and we look forward to working with you in the near future as we coordinate our respective projects.

Very truly yours,

Michael S. Varda
Chair, Board of Directors
St. Paul University Catholic Foundation, Inc.

cc: Rob Phillips/Jeff Quamme
City of Madison Engineering Division

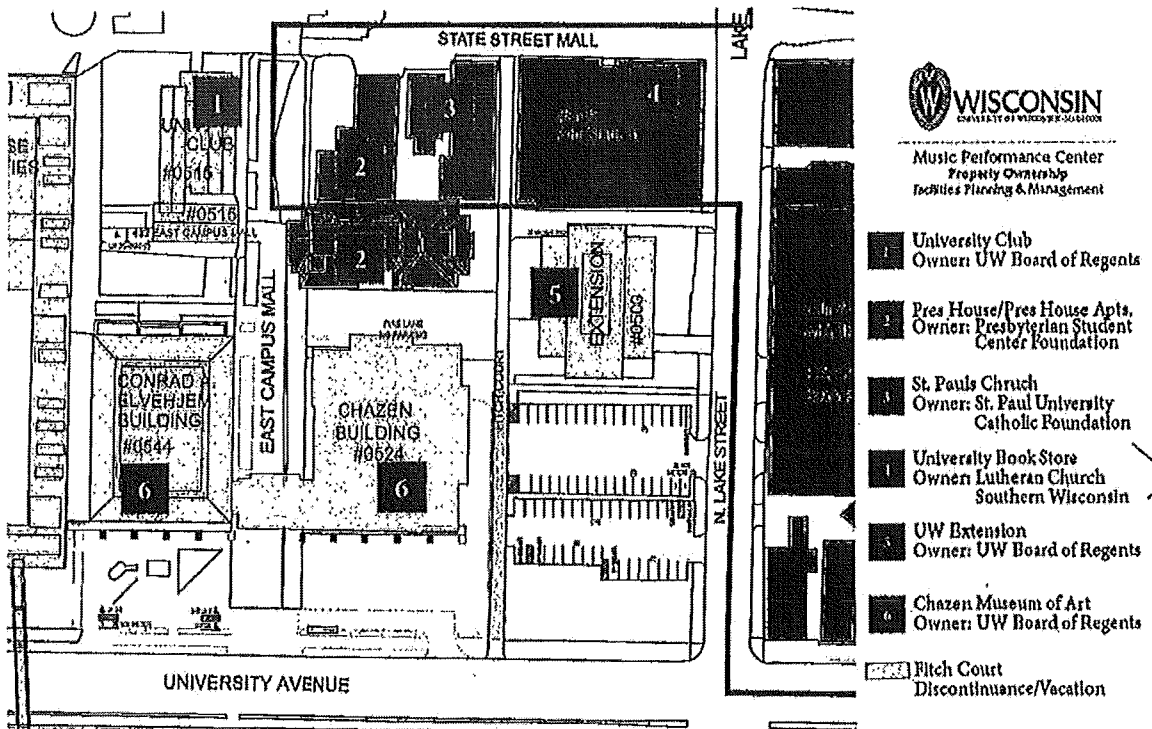
Date: 6-22-15

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

EXHIBIT D-3

EXHIBIT D: EXISTING FITCH COURT ADJACENT LAND OWNERS/USERS

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(signature)	(signature)
3. St. Paul's Catholic Center 723 State Street Mike Varda, 608-258-3140	4. Lutheran Church South Wisconsin District 701 State Street (University Bookstore) Rev. John Wille, 414-464-8100
(signature)	(signature) <i>John Wille</i> 2-28-2015
5. UW Extension Building 432 N. Lake Street UW Board of Regents property ownership Bill Elvey, Associate Vice Chancellor, 608-263-3000	6. Chazen Museum of Art 750 University Ave UW Board of Regents property ownership Bill Elvey, Associate Vice Chancellor, 608-263-3000
(signature)	(signature)



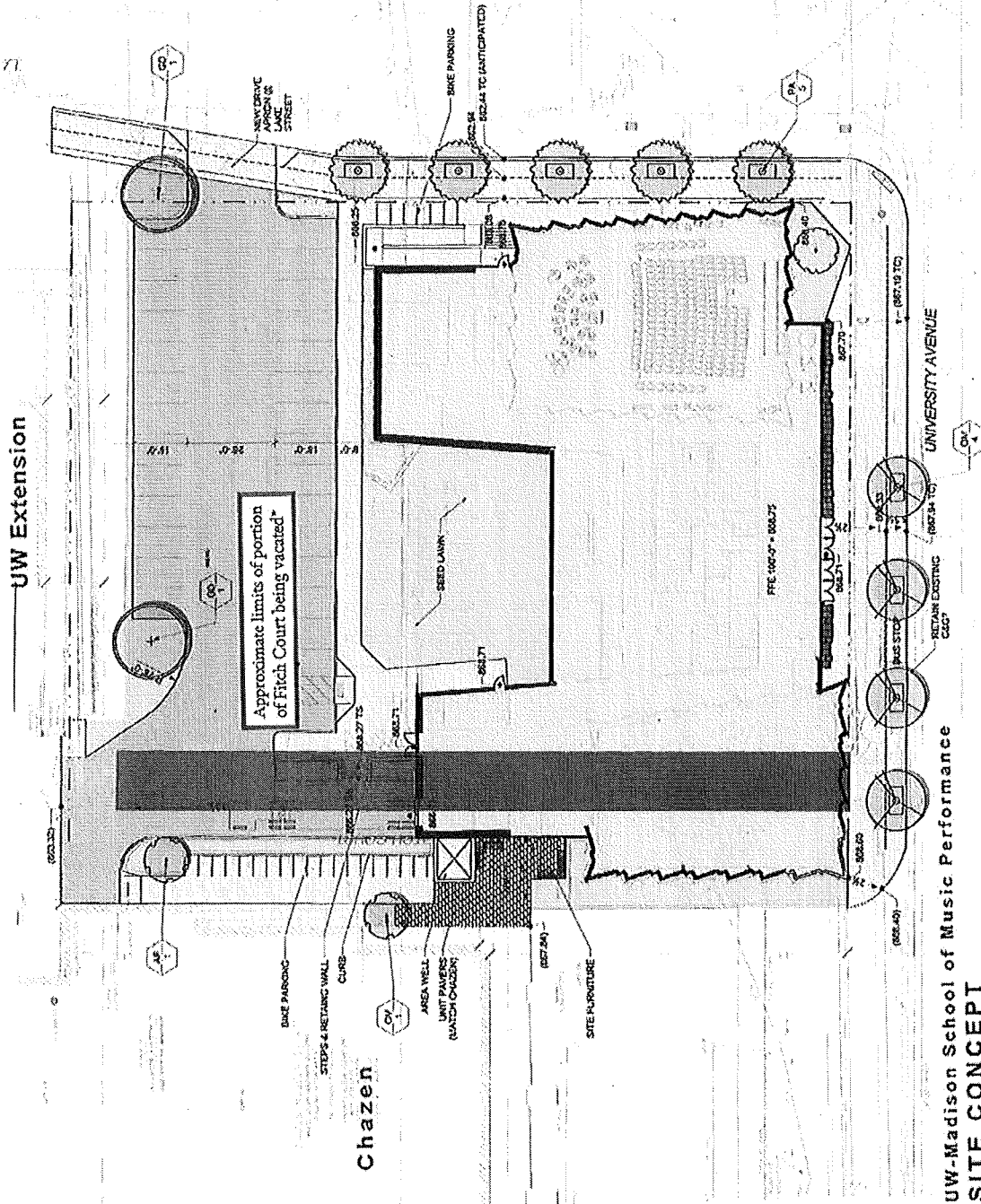
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Name of grantor(s) or grantor(s) agent printed: Maribeth Witzel-Behl

EXHIBIT E



Music Performance Center
Fitch Court Vacation Limits
Facilities Planning & Management



*Refer to legal description/
exhibit for actual limits

UW-Madison School of Music Performance
SITE CONCEPT
August 28th, 2014

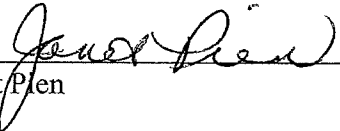
AFFIDAVIT OF MAILING

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

JANET PIEN, being first duly sworn on oath, deposes and says that:

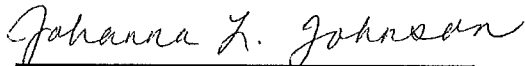
1. She is an PROGRAM ASSISTANT II with the Office of the City Engineer, City of Madison, Dane County, Wisconsin, and did on the 10th day of April 2015 placed in envelopes addressed to each interested owner of respective addresses as indicated by attached assessment list, a true and correct copy of the notice of assessments for the project titled **VACATION AND DISCONTINUANCE OF A PORTION OF PUBLIC WAY-FITCH COURT** attached hereto.

2. She did and delivered the envelopes to the Mail Room of the Dane County Printing and Services Division, 210 Martin Luther King, Jr. Blvd., in the city of Madison, Dane County Wisconsin, for postage and depositing in the United States Mail.

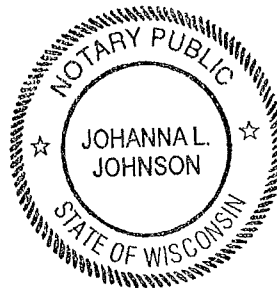


Janet Pien

Subscribed and sworn to before me
this 10th day of April 2015



JOHANNA JOHNSON
Notary Public, State of Wisconsin
My Commission expires: JAN. 8, 2018



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

Date: 6-22-15

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



Engineering Division

Robert F. Phillips, P.E., City Engineer

U OF W REGENTS % FACILITIES PLANNING
& MANAGEMENT
GARY BROWN
9TH FLOOR 610 WALNUT ST
MADISON WI 53726-2397

April 10, 2015

NOTICE OF PUBLIC HEARING BEFORE THE CITY OF MADISON COMMON COUNCIL Vacation and Discontinuance of a portion of Public Way Fitch Court

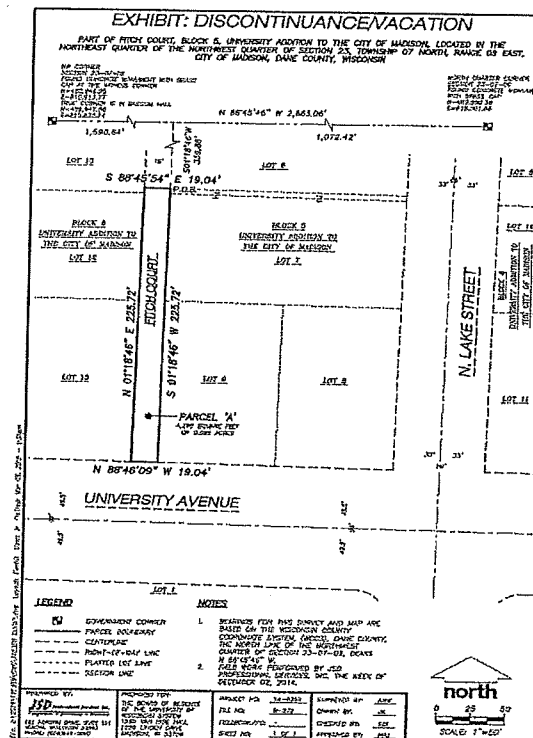
Assistant City Engineer
Michael R. Dailey, P.E.
Principal Engineer2
Gregory T. Fries, P.E.
Principal Engineer1
Christina M. Bachmann, P.E.
Eric L. Dundee, P.E.
John S. Fahrney, P.E.
Christopher J. Petykowski, P.E.
Facilities & Sustainability
Jeanne E. Hoffman, Manager
Operations Manager
Kathleen M. Cryan
Mapping Section Manager
Eric T. Pederson P.S.
Financial Manager
Steven B. Danner-Rivers

The City of Madison is proposing to vacate and discontinue a portion of Fitch Court extending northerly from the northerly right of way line of University Avenue northerly 225.72 feet. A public hearing on the matter will be held at 6:30 pm CDT, Tuesday May 19th, 2015 in the Common Council Chambers Room 201 City-County Building 210 Martin Luther King, Jr. Boulevard, Madison, Wisconsin, 53701-2983.

Copies of the proposed unnamed public way vacation resolution ID No. 37751 may be obtained from the Engineering Division Mapping Section located in the Larry D. Nelson Engineering Operations Facility, 1600 Emil St, Madison, Wisconsin and also available by searching "37751" on the following Legislative Information Center website:

<http://madison.legistar.com/Legislation.aspx>

Questions regarding the street vacation should be directed to Jeff Quamme, Engineering Division Land Records Coordinator at (608) 266-4097 or jquamme@cityofmadison.com



Publication dates: April 24, May 1 and May 8, 2015