



9 2 1 2 5 8 7  
Tx:8896353

Document Number

Document Title

KRISTI CHLEBOWSKI  
DANE COUNTY  
REGISTER OF DEEDS

**RESOLUTION**

This is to certify that the foregoing resolution was adopted by the Common Council of the City of Madison, Wisconsin at a meeting held on the 17<sup>th</sup> day of October, 2017.

DOCUMENT #  
**5368629**

10/31/2017 2:44 PM

Trans. Fee:

Exempt #:

Rec. Fee: 30.00

Pages: 8

East Campus Mall Street Vacation  
Resolution #: RES-17-00820  
ID#: 48504

Name and Return Address

City Clerk  
210 Martin Luther King Jr. Blvd.  
Room 103  
Madison, WI 53703

Parcel Identification Number (PIN)

October 31, 2017  
Date

*MR Witzel for*  
Signature of Clerk

Maribeth Witzel Behl, City Clerk  
\*Name printed

\_\_\_\_\_  
Date

n/a  
Signature of Grantor

\_\_\_\_\_  
\*Name printed

STATE OF WISCONSIN, County of Dane

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

Eric Christianson

Subscribed and sworn to before me on October 31, 2017 by the above named person(s).

Signature of notary or other person authorized to administer an oath *Eric O. Christianson*  
(as per s. 706.06, 706.07)

\*Names of persons signing in any capacity must be typed or printed below their signature.

Print or type name: Eric Christianson

Title: Certified Municipal Clerk Date commission expires: 6/29/2018

This information must be completed by submitter: document title, name & return address, and PIN (if required). Other information such as the granting clauses, legal description, etc., may be placed on this first page of the document or may be placed on additional pages of the document. Note: Use of this cover page adds one page to your document and \$2.00 to the recording fee. Wisconsin Statutes, 59.43(2m). USE BLACK INK. WRDA 5/1999

8



# City of Madison

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

## Certified Copy

Resolution: RES-17-00820

**File Number: 48504**

**Enactment Number: RES-17-00820**

Discontinuing and vacating a portion of the public street right-of-way of East Campus Mall, being located in the SE ¼ of the NW 1/4 of Section 23, Township 7 North, Range 9 East, City of Madison, Dane County, Wisconsin. (4th AD)

**WHEREAS**, the public right of way of Murray Street (a.k.a. N. Murray Street), lying south of W. Dayton Street was originally dedicated by the plat of University Addition to Madison, recorded August 28th, 1850 as Document No. 109, Dane County Registry; and

**WHEREAS**, a portion of N. Murray Street was vacated by the City of Madison Common Council per Resolution Number 58420, File I.D. Number 29508, as adopted on June 19, 2001 and validated and made effective on July 16, 2002 with the recording of the resolution as Document No. 3514205, Dane County Registry, to permit construction of an addition to the University of Wisconsin Southeast Recreational Facility at 715 W. Dayton Street; and

**WHEREAS**, the City of Madison Common Council authorized the Mayor and City Clerk to enter into an agreement for the maintenance of N. Murray Street from Regent Street to W. Dayton Street per Enactment No. RES-05-00707, File I.D. 01738, as adopted on September 6, 2005 and subsequently executed by the Mayor on October 12, 2005; and

**WHEREAS**, the City of Madison Common Council authorized the name of N. Murray Street to be changed to East Campus Mall per Enactment No. RES-07-00867, File I.D. 06471, as adopted on September 4, 2007 and effective on June 1, 2008; and

**WHEREAS**, the University of Wisconsin made an application with the Department of Planning & Community & Economic Development, requesting a demolition permit and an alteration to the Planned Development (Specific Implementation Plan) for Kohl Center / LaBahn Arena / Southeast Recreational Facility to allow for the demolition and reconstruction of the Southeast Recreational Facility at 715 W Dayton Street; and

**WHEREAS**, the demolition permit and alteration were conditionally approved by the City of Madison Planning Commission on February 20, 2017, Legistar File No. 45529 and the said conditions of approval provided for the vacation and discontinuance of a portion of East Campus Mall to eliminate the planned fixed building canopy from protruding into a public right of way; and

**WHEREAS**, the City Of Madison currently does not have any public facilities within the portion of the public right-of-way to be vacated and discontinued; and

**WHEREAS**, the portion of the public right-of-way of East Campus Mall to be vacated and discontinued is as shown and described on the vacation and discontinuance map (Exhibit A) and legal description (Exhibit B) delineating the area to be discontinued, which are attached hereto and made part of this resolution; and

**WHEREAS**, this vacation and discontinuance will not result in a landlocked parcel of property; and

**WHEREAS**, the City Engineering Division recommends approval of this partial public right-of-way vacation and discontinuance subject to conditions as noted herein.

**NOW THEREFORE BE IT RESOLVED**, that since the public interest requires it, the City Of Madison hereby conditionally vacates and discontinues the public right-of-way as shown on attached map and described on the attached legal description, under Wisconsin ss. 66.1003(4); and

**BE IT FURTHER RESOLVED**, that under Section 66.1005(2)(a)(1), the City Of Madison releases all easements and rights it may have within the public right-of-way being vacated and discontinued; 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 may exist within the vacated and discontinued public right-of-way shall continue, unless as otherwise provided by statute; and

**BE IT FURTHER RESOLVED**, under Section 66.1005(1), Wisconsin Statutes, reversionary rights of the public right-of-ways herein vacated and discontinued shall attach to the adjacent property, currently being owned by The Board of Regents of the University of Wisconsin; and

**BE IT FINALLY RESOLVED**, upon Common Council adoption of this resolution, the City Engineer will then authorize the City Clerk to validate and make effective this street vacation and discontinuance by recording it with all supplemental map exhibits 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. 17-00820, adopted by the Madison Common Council on October 17, 2017.

Maribeth Witzel-Behl

10-30-2017  
Date Certified



# City of Madison

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

## Master

**File Number: 48504**

**File ID:** 48504

**File Type:** Resolution

**Status:** Passed

**Version:** 1

**Reference:**

**Controlling Body:** BOARD OF  
PUBLIC WORKS

**File Created Date :** 08/22/2017

**File Name:** Discontinuing & vacating a portion of the public street right-of-way of East Campus Mall, being located in the SE ¼ of the NW 1/4 of Section 23, Township 7 North, Range 9 East, City of Madison, Dane County, Wisconsin.

**Final Action:** 10/17/2017

**Title:** Discontinuing and vacating a portion of the public street right-of-way of East Campus Mall, being located in the SE ¼ of the NW 1/4 of Section 23, Township 7 North, Range 9 East, City of Madison, Dane County, Wisconsin. (4th AD)

**Notes:** Jeff Q.

**CC Agenda Date:** 10/17/2017

**Agenda Number:** 5.

**Sponsors:** Michael E. Verveer

**Effective Date:** 10/19/2017

**Attachments:** Exhibit A.pdf, Exhibit B.pdf

**Enactment Number:** RES-17-00820

**Author:** Rob Phillips, City Engineer

**Hearing Date:** 10/17/2017

**Entered by:** mhacker@cityofmadison.com

**Published Date:**

### Approval History

Version	Date	Approver	Action
1	08/22/2017	Travis J. Martin	Approve

### History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Engineering Division	08/22/2017	Referred for Introduction				
	<b>Action Text:</b>		This Resolution was Referred for Introduction				
	<b>Notes:</b>		Board of Public Works (9/20/2017), Plan Commission (9/18/2017)				
1	COMMON COUNCIL	09/05/2017	Refer	BOARD OF PUBLIC WORKS		09/20/2017	Pass

**Action Text:** A motion was made by Rummel, seconded by Baldeh, to Refer to the BOARD OF PUBLIC WORKS. The motion passed by voice vote/other.

**Notes:** Additional Referral: Plan Commission

1 BOARD OF PUBLIC 09/05/2017 Referred PLAN 09/18/2017  
WORKS COMMISSION

**Action Text:** This Resolution was Referred to the PLAN COMMISSION

**Notes:**

1 PLAN COMMISSION 09/18/2017 Return to Lead with BOARD OF 09/20/2017 Pass  
the PUBLIC WORKS  
Recommendation  
for Approval

**Action Text:** A motion was made by Cantrell, seconded by Rewey, to Return to Lead with the Recommendation for Approval to the BOARD OF PUBLIC WORKS. The motion passed by voice vote/other.

1 BOARD OF PUBLIC 09/20/2017 RECOMMEND TO Pass  
WORKS COUNCIL TO  
ADOPT - PUBLIC  
HEARING

**Action Text:** A motion was made by Branson, seconded by Walling, to RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING. The motion passed by voice vote/other.

**Notes:**

1 COMMON COUNCIL 10/17/2017 Adopt and Close the Pass  
Public Hearing

**Action Text:** A motion was made by Rummel, seconded by Baldeh, to Adopt and Close the Public Hearing. The motion passed by voice vote/other.

**Notes:**

---

## Text of Legislative File 48504

### Fiscal Note

The proposed resolution authorizes vacation and discontinuance of approximately 208 sq. ft. or 0.0048 acres of public street right-of-way of East Campus Mall. No appropriation is required.

### Title

Discontinuing and vacating a portion of the public street right-of-way of East Campus Mall, being located in the SE ¼ of the NW 1/4 of Section 23, Township 7 North, Range 9 East, City of Madison, Dane County, Wisconsin. (4th AD)

### Body

**WHEREAS**, the public right of way of Murray Street (a.k.a. N. Murray Street), lying south of W. Dayton Street was originally dedicated by the plat of University Addition to Madison, recorded August 28th, 1850 as Document No. 109, Dane County Registry; and

**WHEREAS**, a portion of N. Murray Street was vacated by the City of Madison Common Council per Resolution Number 58420, File I.D. Number 29508, as adopted on June 19, 2001 and validated and made effective on July 16, 2002 with the recording of the resolution as Document No. 3514205, Dane County Registry, to permit construction of an addition to the University of Wisconsin Southeast Recreational Facility at 715 W. Dayton Street; and

**WHEREAS**, the City of Madison Common Council authorized the Mayor and City Clerk to enter into an agreement for the maintenance of N. Murray Street from Regent Street to W. Dayton Street per Enactment No. RES-05-00707, File I.D. 01738, as adopted on September 6, 2005 and subsequently executed by the Mayor on October 12, 2005; and

**WHEREAS**, the City of Madison Common Council authorized the name of N. Murray Street to be changed to East Campus Mall per Enactment No. RES-07-00867, File I.D. 06471, as adopted

on September 4, 2007 and effective on June 1, 2008; and

**WHEREAS**, the University of Wisconsin made an application with the Department of Planning & Community & Economic Development, requesting a demolition permit and an alteration to the Planned Development (Specific Implementation Plan) for Kohl Center / LaBahn Arena / Southeast Recreational Facility to allow for the demolition and reconstruction of the Southeast Recreational Facility at 715 W Dayton Street; and

**WHEREAS**, the demolition permit and alteration were conditionally approved by the City of Madison Planning Commission on February 20, 2017, Legistar File No. 45529 and the said conditions of approval provided for the vacation and discontinuance of a portion of East Campus Mall to eliminate the planned fixed building canopy from protruding into a public right of way; and

**WHEREAS**, the City Of Madison currently does not have any public facilities within the portion of the public right-of-way to be vacated and discontinued; and

**WHEREAS**, the portion of the public right-of-way of East Campus Mall to be vacated and discontinued is as shown and described on the vacation and discontinuance map (Exhibit A) and legal description (Exhibit B) delineating the area to be discontinued, which are attached hereto and made part of this resolution; and

**WHEREAS**, this vacation and discontinuance will not result in a landlocked parcel of property; and

**WHEREAS**, the City Engineering Division recommends approval of this partial public right-of-way vacation and discontinuance subject to conditions as noted herein.

**NOW THEREFORE BE IT RESOLVED**, that since the public interest requires it, the City Of Madison hereby conditionally vacates and discontinues the public right-of-way as shown on attached map and described on the attached legal description, under Wisconsin ss. 66.1003(4); and

**BE IT FURTHER RESOLVED**, that under Section 66.1005(2)(a)(1), the City Of Madison releases all easements and rights it may have within the public right-of-way being vacated and discontinued; 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 may exist within the vacated and discontinued public right-of-way shall continue, unless as otherwise provided by statute; and

**BE IT FURTHER RESOLVED**, under Section 66.1005(1), Wisconsin Statutes, reversionary rights of the public right-of-ways herein vacated and discontinued shall attach to the adjacent property, currently being owned by The Board of Regents of the University of Wisconsin; and

**BE IT FINALLY RESOLVED**, upon Common Council adoption of this resolution, the City Engineer will then authorize the City Clerk to validate and make effective this street vacation and discontinuance by recording it with all supplemental map exhibits 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.

# EAST CAMPUS MALL VACATION & DISCONTINUANCE

PART OF THE PUBLIC RIGHT OF WAY OF EAST CAMPUS MALL, LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 07 NORTH, RANGE 09 EAST, CITY OF MADISON, DANE COUNTY, WISCONSIN.

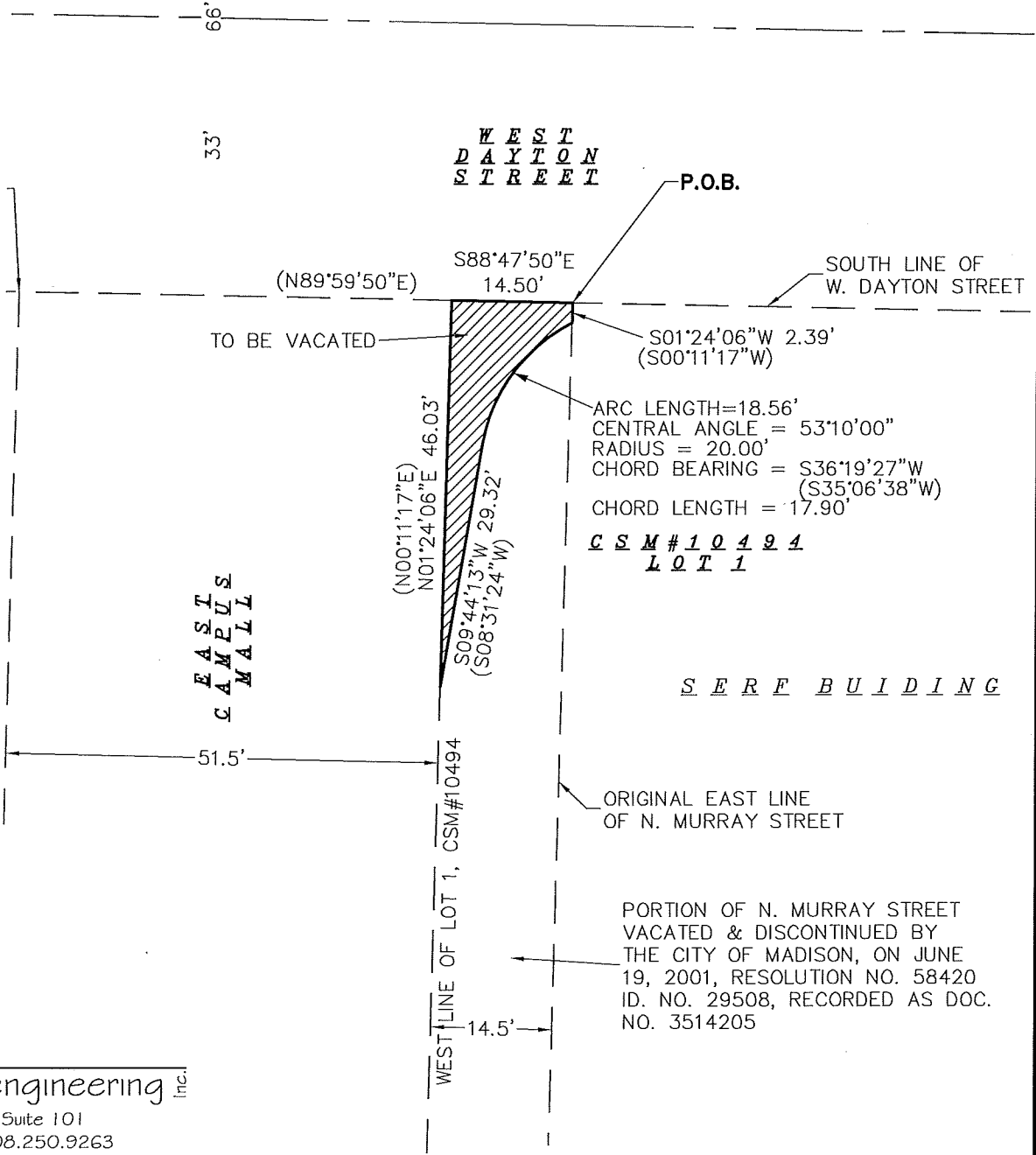


SCALE : ONE INCH = TWENTY FEET

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: 10-30, 2017



**Burse**

surveying & engineering inc

2801 International Lane, Suite 101  
 Madison, WI 53704 608.250.9263  
 Fax: 608.250.9266  
 email: mburse@bse-inc.net  
 www.bursesurveyengr.com

Date: 08-02-2017  
 Plot View: VACATION  
 BSE2001\dwg\BSE2001.DWG

## **EXHIBIT B**

### **EAST CAMPUS MALL VACATION AND DISCONTINUANCE**

#### **Metes and Bounds Description**

Part of East Campus Mall, originally platted and previously known as Murray Street (a.k.a. N. Murray Street) per the plat of University Addition to Madison, recorded as Document Number 109, Dane County Registry, also being located in the Southeast Quarter of the Northwest Quarter of Section 23, Township 07 North, Range 09 East, City of Madison, Dane County, Wisconsin, more fully described as follows:

Beginning at the northern most Northwest corner of Lot 1, Certified Survey Map Number 10494 as recorded in Volume 62 of Certified Survey Maps, on pages 88-93, as Document Number 3525323, Dane County Registry, also being the intersection of the south right of way line of W. Dayton Street with the easterly right of way of East Campus Mall;  
thence South 01 degree 24 minutes 06 seconds West, 2.39 feet along the said east right-of-way of East Campus Mall to a point of non-tangential curvature;  
thence 18.56 feet along the arc of a curve to the left, said arc also being the said east right-of-way as per a previous vacation and discontinuance of N. Murray Street recorded as Document Number 3514205, through a central angle of 53 degrees 10 minutes 00 seconds, a radius of 20.00 feet and a chord bearing South 36 degrees 19 minutes 27 seconds West, 17.90 feet;  
thence South 09 degrees 44 minutes 13 seconds West along said east right-of-way and previous vacation and discontinuance, 29.32 feet;  
thence North 01 degree 24 minutes 06 seconds East, 46.03 feet, along a line lying 14.50 feet west of and parallel with the original platted east right-of-way of Murray Street, to the intersection with the westerly extension of the aforementioned south right of way line of W. Dayton Street;  
thence South 88 degrees 47 minutes 50 seconds East along said westerly extension of south right of way line of W. Dayton Street, 14.50 feet to the Point of Beginning.

This description contains 208 square feet.