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Discontinuing a portion of the public right-of-way of Mineral Point Road adjacent to the UW Research Park.

KRISTI CHLEBOWSKI
DANE COUNTY
REGISTER OF DEEDS

Document Number

Document Title

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 1st day of June, 2021. A copy of the resolution is attached.

DOCUMENT #
5760924
08/13/2021 01:54 PM
Trans Fee:
Exempt #:
Rec. Fee: 30.00
Pages: 10

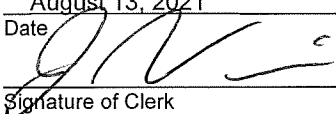
Discontinuing a portion of the public right-of-way of Mineral Point Road adjacent to the UW Research Park.
Resolution 21-00411
ID#: 65031

Recording Area

Name and Return Address

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

Parcel Identification Number (PIN)

August 13, 2021
Date

Signature of Clerk

Date
n/a
Signature of Grantor

Jim Verbick, Deputy City Clerk
*Name printed

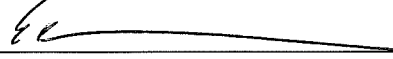
*Name printed

STATE OF WISCONSIN, County of Dane

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

Subscribed and sworn to before me on August 13, 2021 by the above named person(s).

Eric Christianson

Signature of notary or other person authorized to administer an oath
(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: 3/27/2022

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



City of Madison

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

Certified Copy

Resolution: RES-21-00411

File Number: 65031

Enactment Number: RES-21-00411

Discontinuing and vacating a portion of the public road right-of-way of Mineral Point Road adjacent to the UW Research Park, being located in part of the NE ¼ of the NW ¼ of Section 30, Township 7 North, Range 9 East, City of Madison, Dane County, Wisconsin. (19th AD)

WHEREAS, lands within the southerly side of the existing public right of Mineral Point Road lying between Rosa Road and former Gilbert Road were conveyed for Highway Purposes on September 11, 1957 by The Regents of the University of Wisconsin to Dane County per Document No. 947099, recorded on October 14, 1957 at the Dane County Register of Deeds. This area of right of way is currently adjacent to the University of Wisconsin Research Park; and

WHEREAS, this portion of the southern right of way of Mineral Point Road was annexed to the City of Madison in 1962. Over the intervening years, the City of Madison has taken all control and maintenance of the right of way and improvements of Mineral Point Road; and

WHEREAS, an application was made with the Department of Planning & Community & Economic Development by Mandel Group in partnership with University Research Park, Inc (hereinafter the "Developers") for a preliminary and final plat of Element District replatting Lots 1 - 3 of Dane County Certified Survey Map No 10343 and parts of Lots 38, 39 and 40 of University Research Park University of Wisconsin - Madison Second Addition. Additionally a second application was made by the Developers for a zoning map amendment of the same lands. Both being applications made to permit the future development of a new mixed use development; and

WHEREAS, the plat of Element District was conditionally approved by the City of Madison Common Council by Enactment Number RES-21-00114, File I.D. Number 63210, as adopted on the 2nd of February, 2021; and

WHEREAS, the said zoning map amendment was adopted by the City of Madison Common Council by Enactment Number ORD-21-00010, File I.D. Number 63441, as adopted on the 2nd of February, 2021; and

WHEREAS, the conditionally approved plat of Element District includes, within its boundaries, a portion of a 20 foot wide strip of land (hereinafter "proposed area of vacation") that lies within the current Mineral Point Road right-of-way. The proposed area of vacation lies southerly of, and behind, the existing public sidewalk lying within Mineral Point Road between Rosa Road and S. Whitney Way. This proposed area of vacation is not being utilized by the City of Madison for any Public Street Improvements or City of Madison Public Utilities at the present time. The Developers have requested that this proposed area of vacation be vacated and discontinued by the City of Madison, allowing the lands to attach to the adjacent parcels. In order to incorporate the portion of the 20 foot wide strip lying within the proposed plat of Element District, it is necessary that the proposed area of vacation be properly vacated and discontinued under s. 66.1003 Wisconsin Statutes; and

WHEREAS, D'Onofrio Kottke and Associates Inc. and City of Madison Engineering Division, have prepared the necessary partial public right-of-way vacation and discontinuance map (Exhibit A) and legal description (Exhibit B) delineating the proposed area of vacation within Mineral Point Road that

is to be vacated and discontinued. All Exhibits are attached hereto and made part of this resolution; and

WHEREAS, there are currently underground utilities within the said proposed area of vacation owned by Private Utility Companies having the right to serve the area as shown on Exhibit A; and

WHEREAS, the City Engineer requires the reservation of a Permanent Easement to the City of Madison for public sidewalk, public transportation amenities and grading over the entire proposed area of vacation; 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 being 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 (Public Way) as shown on attached maps and legal descriptions, under Wisconsin ss. 66.1003(4), upon completion of the following condition:

- The Developers shall enter into any agreement(s) required by the City of Madison in conjunction with the approval of the proposed development of the plat of Element District.
- The conditions of approval for the preliminary and final plat for the plat of Element District shall be addressed to the satisfaction of the City of Madison Engineer.

BE IT FURTHER RESOLVED, that under Section 66.1005(2), the City Of Madison hereby retains a Permanent Easement for Public Sidewalk, Public Transportation Amenities and Grading over the public right-of-way being vacated and discontinued. The easement area shall be subject to the terms and conditions provided on attached Exhibit C; and

BE IT FURTHER RESOLVED, that under Section 66.1005(2), the City Of Madison hereby retains a Public Utility Easement for Public Bodies and Private and Public Utilities having the right to serve the area; 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-ways being vacated and discontinued with the exception of the two easements retained above; and

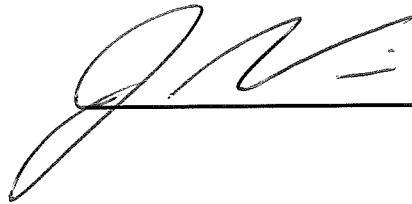
BE IT FURTHER RESOLVED, under Section 66.1005(2), Wisconsin Statutes, other than those easements and rights retained and released above, any other existing easements and rights that exist within the vacated and discontinued public right-of-way shall continue unless as otherwise provided by statute; and

BE IT FURTHER RESOLVED, under Section 66.1005(1), Wisconsin Statutes, reversionary rights of the public rights-of-way herein vacated and discontinued shall attach to the adjacent properties; and

BE IT FINALLY RESOLVED, upon Common Council adoption of this resolution and completion all street vacation and discontinuance conditions identified above to the satisfaction of the City Engineer, 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, Deputy City Clerk Jim Verbick, certify that this is a true copy of Resolution 21-00411 No. 65031, adopted by the Madison Common Council on June 1, 2021.

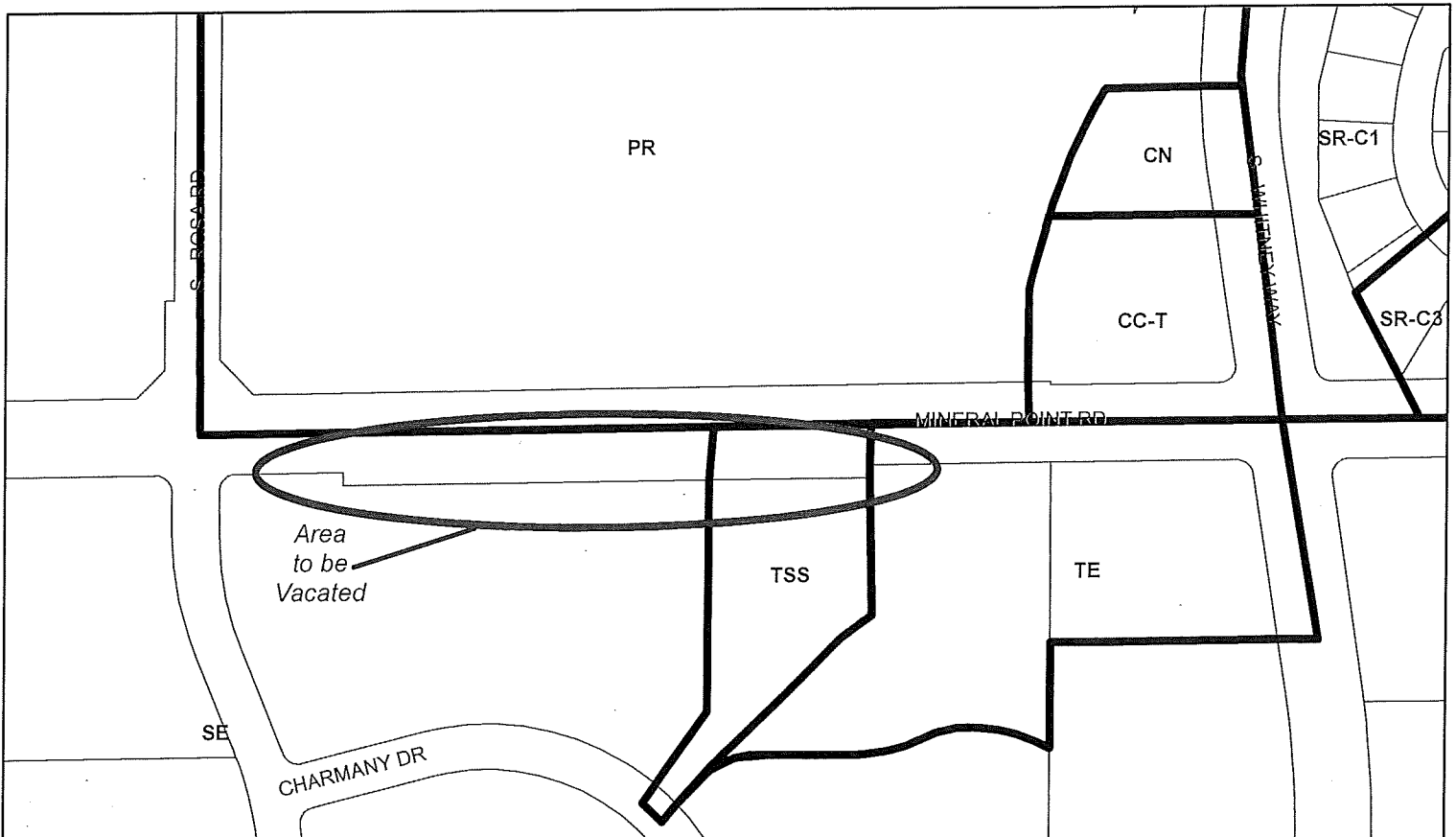
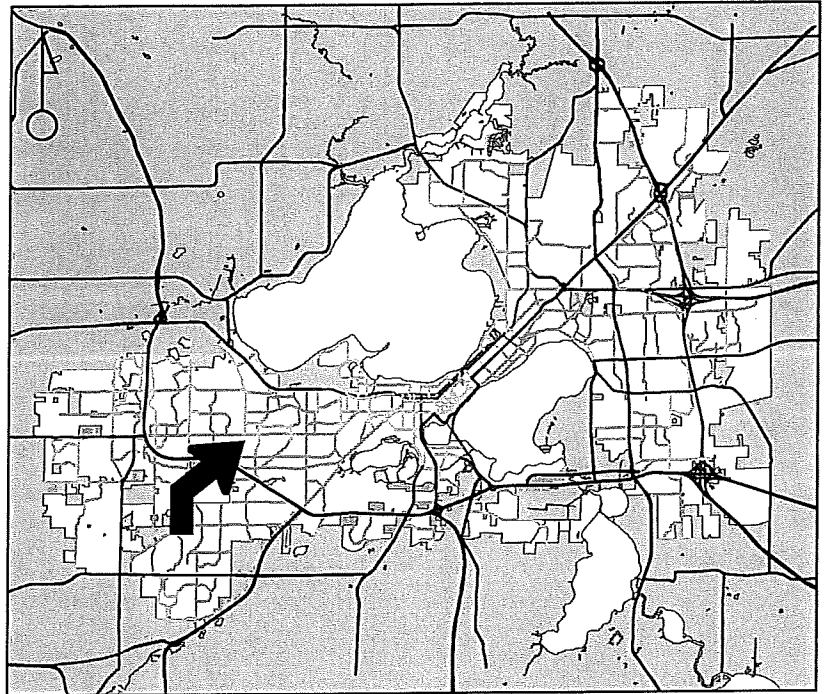


8/13/2021
Date Certified



File ID
65031

Title
Discontinuing and vacating a portion of the public road right-of-way of Mineral Point Road adjacent to the UW Research Park, being located in part of the NE ¼ of the NW ¼ of Section 30, Township 7 North, Range 9 East, City of Madison, Dane County, Wisconsin. (19th Ald. Dist.)



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.

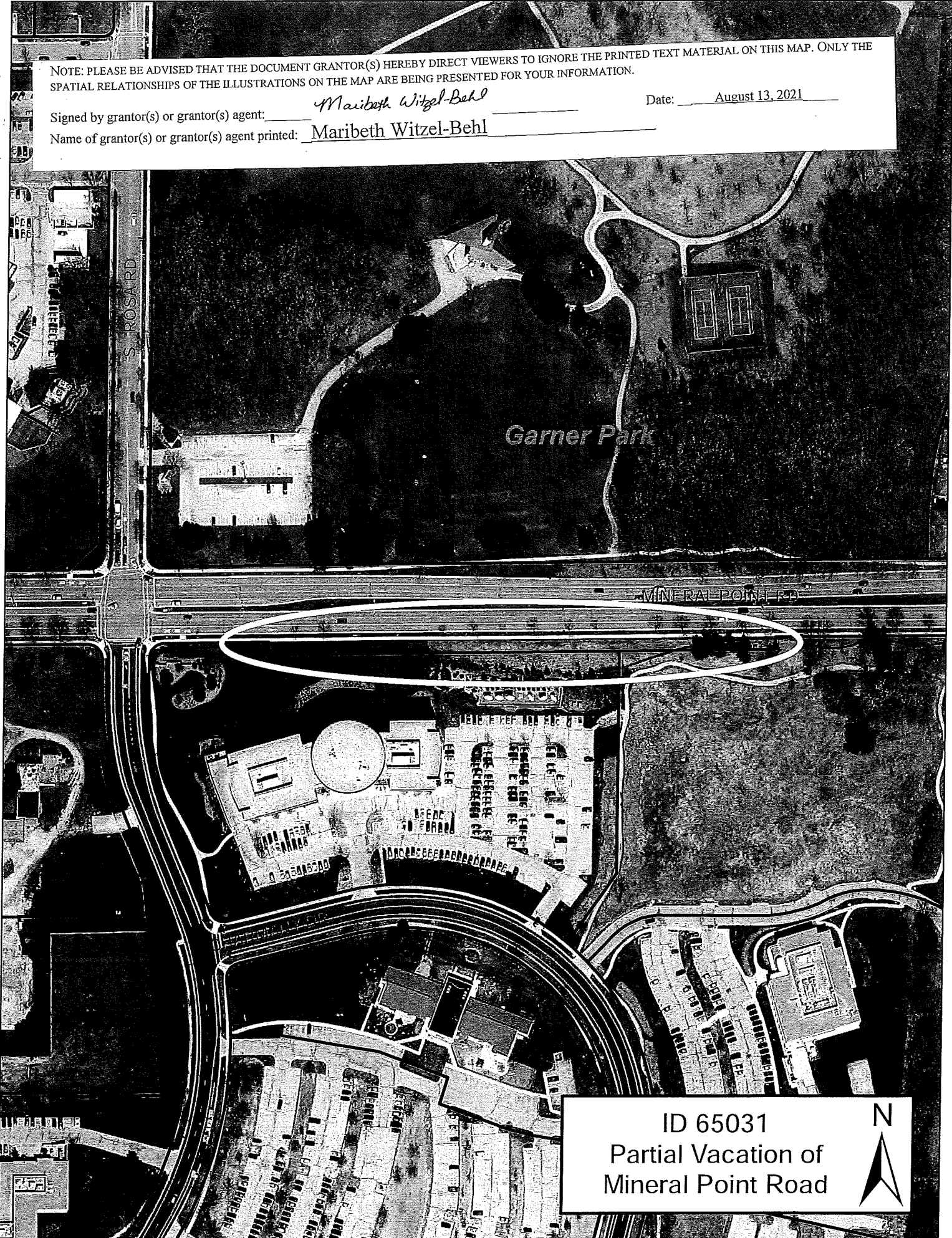
Signed by grantor(s) or grantor(s) agent: Maribeth Witzel-Behl Date: August 13, 2021
Name of grantor(s) or grantor(s) agent printed: Maribeth Witzel-Behl

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Date: August 13, 2021

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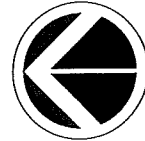
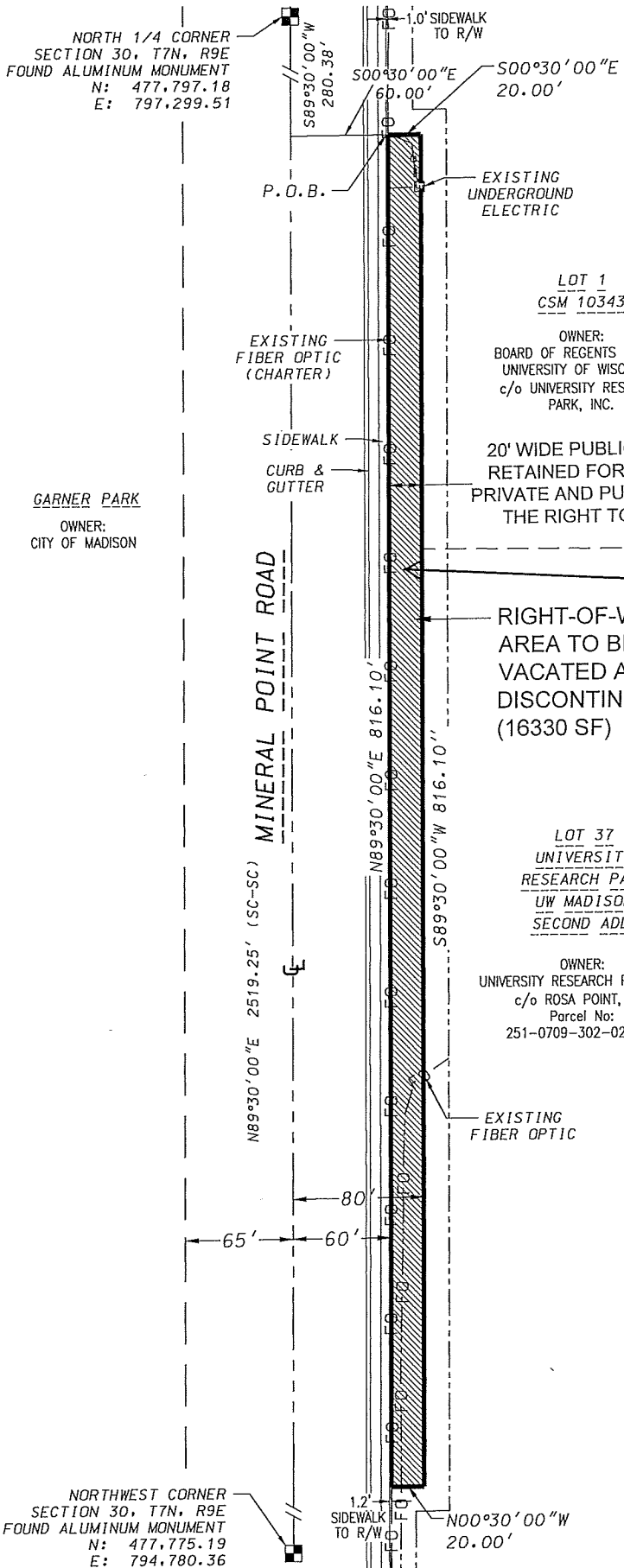


ID 65031
Partial Vacation of
Mineral Point Road



EXHIBIT A

PARTIAL VACATION AND DISCONTINUANCE OF PUBLIC RIGHT-OF-WAY MINERAL POINT ROAD



BEARINGS ARE REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEMS (DANE ZONE)

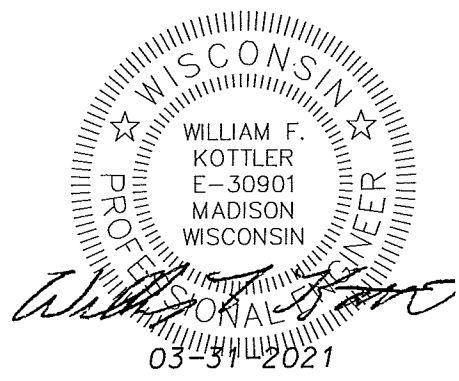


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Date: August 13, 2021

Maribeth Witzel-Behl

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



NOTE: SEE EXHIBIT B FOR LEGAL DESCRIPTION OF AREA SHOWN

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

EXHIBIT B

PARTIAL VACATION AND DISCONTINUANCE OF PUBLIC RIGHT-OF-WAY MINERAL POINT ROAD

LEGAL DESCRIPTION

PART OF MINERAL POINT ROAD, BEING PART OF THE NE1/4 OF THE NW1/4 OF SECTION 30, TOWNSHIP 7 NORTH, RANGE 9 EAST, CITY OF MADISON, DANE COUNTY, WISCONSIN, CONTAINING 16330 SQUARE FEET (0.375 ACRES) DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 30; THENCE ALONG THE NORTH LINE OF THE NW 1/4 OF SAID SECTION 30, S89°30'00"W, 280.38 FEET; THENCE S00°30'00"E, 60.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF MINERAL POINT ROAD BEING THE POINT OF BEGINNING; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE, S00°30'00"E, 20.00 FEET TO THE NORTH LINE OF LOT 1 OF CERTIFIED SURVEY MAP 10343, RECORDED IN VOLUME 61 OF CERTIFIED SURVEYS, PAGES 32-35, AS DOCUMENT NO. 3461981; THENCE ALONG SAID NORTH LINE OF LOT 1 AND ALSO CONTINUING ALONG THE NORTH LINE OF LOT 37 OF THE PLAT OF UNIVERSITY RESEARCH PARK UNIVERSITY OF WISCONSIN - MADISON SECOND ADDITION RECORDED IN VOLUME 57-39B OF PLATS, PAGES 146-150 AS DOCUMENT NO. 2718052, S89°30'00"W, 816.10 FEET; THENCE CONTINUING ALONG THE NORTH LINE OF SAID LOT 37, N00°30'00"W, 20.00 FEET; THENCE N89°30'00"E, 816.10 FEET PARALLEL WITH AND 60 FEET SOUTH OF THE SAID NORTH LINE OF THE NW 1/4 TO THE POINT OF BEGINNING.

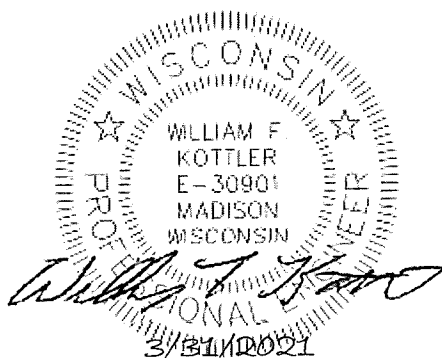


EXHIBIT C

Permanent Easement for Public Sidewalk, Public Transportation Amenities and Grading

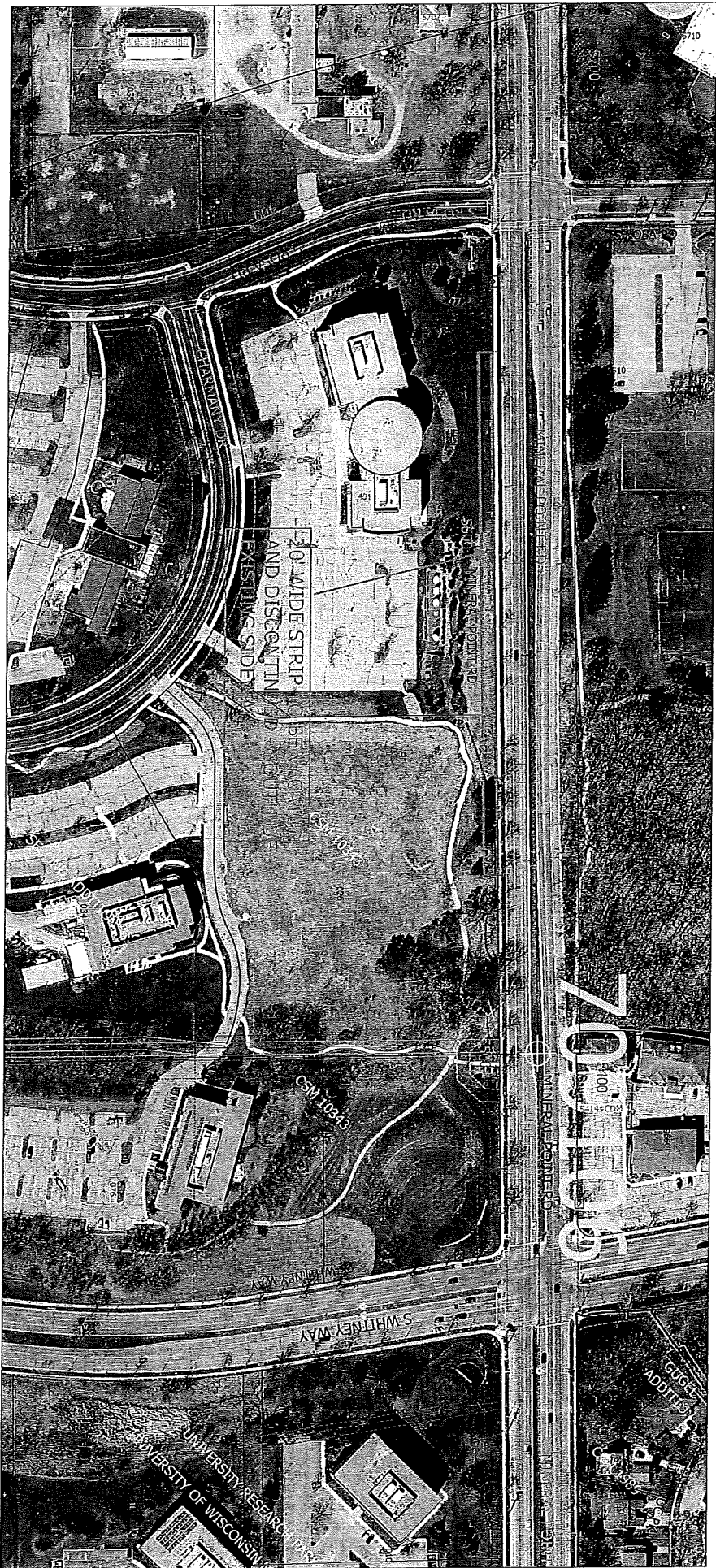
Creation of Easement Rights: A permanent easement over and across the property being vacated and discontinued (the "Easement Area") is retained and memorialized by the City of Madison for the uses and purposes hereinafter set forth. The Easement Area may be used by the City of Madison for public sidewalk, public transportation amenities and associated grading. City of Madison and its employees, agents and contractors shall have the right to construct, install, maintain, operate, repair, replace and reconstruct the above improvements and grade within the Easement Area. City of Madison shall have the further right of ingress and egress to and from the Easement Area in order to exercise its rights and privileges hereunder, and to cut and remove trees, vegetation and other impediments in the Easement Area which may obstruct or interfere with the actual or potential use of the Easement Area for the foregoing purposes.

Property Restoration: City of Madison shall repair any damage caused to any pavement, concrete or turf located within the Easement Area and/or the Property as a result of the use of the Easement Area by or on behalf of the City of Madison as provided herein. Following completion of any excavation work, City of Madison shall promptly restore the area affected by the work to the original grade and surface condition including the repair or replacement of pavement, concrete and turf.

Limitations on Use of Easement Area: The owner of the Property shall have the right to use the Easement Area for any purpose, provided such use shall not interfere with the easement rights of the City of Madison hereunder. No buildings or structures unrelated to the public use shall be constructed in and no grade change shall be made to the Easement Area without the written consent of the City of Madison's Engineering Division City Engineer.

Binding Effect: This Easement shall run with the land described herein and shall be binding upon the owners of the Property, and their successors in interest.

Release of Rights to Easements Created: Any release of rights shall be released by the City of Madison executing and recording a separate easement release document with the Dane County Register of Deeds.



Time: 4/7/2021 10:36:56 AM

Note: Vicinity Map Partial Mineral Pt Rd Vacation

City of Madison, WI - GIS/Mapping data

Printed By: enjby

Disclaimer: The City makes no representation about the accuracy of these records and shall not be liable for any damages

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