



Legislation Details (With Text)

**File #:** 09559      **Version:** 1      **Name:** Vacating a portion of unimproved Wheeler Road right-of-way from existing improved

**Type:** Resolution      **Status:** Passed

**File created:** 3/11/2008      **In control:** BOARD OF PUBLIC WORKS

**On agenda:** 5/20/2008      **Final action:** 5/20/2008

**Enactment date:** 5/23/2008      **Enactment #:** RES-08-00494

**Title:** Vacating a portion of unimproved Wheeler Road right-of-way from existing improved Wheeler Road to the southerly prolongation of the westerly line of Lot Eleven (11), 1st Addition to Cherokee Park being located in part of the Southeast ¼ of the Southwest ¼ and part of the Southwest ¼ of the Southeast 1/4 of Section 24, Town 08 North, Range 09 East, City of Madison, Dane County, Wisconsin.

**Sponsors:** Michael Schumacher

**Indexes:**

**Code sections:**

**Attachments:** 1. Revised\_Wheeler\_Rd\_Birrenkott\_Map.pdf, 2. mailing affidavit, 3. Register of Deeds Recording.pdf, 4. 09559 memo with resolution.pdf

Date	Ver.	Action By	Action	Result
5/20/2008	1	COMMON COUNCIL	Adopt and Close the Public Hearing	Pass
5/7/2008	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING	Pass
5/6/2008	1	COMMON COUNCIL	Re-refer for Recessed Public Hearing	Pass
5/5/2008	1	PLAN COMMISSION	Return to Lead with the Recommendation for Approval	Pass
4/8/2008	1	BOARD OF PUBLIC WORKS	Refer	
4/8/2008	1	COMMON COUNCIL	Refer For Public Hearing	
3/11/2008	1	Engineering Division	Referred for Introduction	

**Fiscal Note**

The reversionary transfer of 63,387 sq. ft. of vacated Wheeler Road public right-of-way to adjoining land owners to facilitate future development of the site does not require expenditure of City funds.

**Title**

Vacating a portion of unimproved Wheeler Road right-of-way from existing improved Wheeler Road to the southerly prolongation of the westerly line of Lot Eleven (11), 1<sup>st</sup> Addition to Cherokee Park being located in part of the Southeast ¼ of the Southwest ¼ and part of the Southwest ¼ of the Southeast 1/4 of Section 24, Town 08 North, Range 09 East, City of Madison, Dane County, Wisconsin.

**Body**

**WHEREAS**, the Plat of “Cherokee Park” was recorded in the Town of Westport on February 25, 1966 in Volume 31 of Plats on Pages 20 and 21 as Document No. 1154806, Dane County Registry; and

**WHEREAS**, the Plat of “Cherokee Park” dedicated 120 feet of Wheeler Road right-of-way to the Town of Westport north of the existing Wheeler Road; and

**WHEREAS**, the City of Madison annexed this property as part of a larger annexation area from the Town of Westport per Ordinance No. 2010, File No. 5046-142, adopted March 24, 1966; and

**WHEREAS**, Wheeler Road was planned in the mid-1960's for relocation to the north between Delaware Boulevard and Comanche Way / Wyoming Way; and

**WHEREAS**, the proposed Wheeler Road relocation to the north between Delaware Boulevard and Comanche Way / Wyoming Way was never approved nor improved; and

**WHEREAS**, the City Of Madison has existing public sanitary sewer and significant public storm water surface drainage within the proposed vacated/discontinued Wheeler Road lands; and

**NOW THEREFORE BE IT RESOLVED**, the City of Madison retains a public storm water drainage easement within the vacated/discontinued Wheeler Road lands as there is significant public storm water surface drainage currently being discharged into this vacated/discontinued public right-of-way land area. Cherokee Park Inc. may request the City release this public easement if they were to provide alternative storm water drainage measures as part of their proposed development plan for this immediate area satisfactory to the City Engineer.

**NOW THEREFORE BE IT FURTHER RESOLVED**, that the City Of Madison retains a 20 feet wide exclusive public sanitary sewer easement for the existing public sanitary sewer over the southerly 20 feet of the vacated Wheeler Road area; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, if additional public sanitary sewer easement is required south of the proposed vacated area, then Cherokee Park Inc., or the current owner of record, shall convey the necessary easements to the City of Madison, or relocate these public facilities as approved by the City Engineer, solely at the owner's expense; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, that the City Of Madison hereby conditionally discontinues and vacates the portion of Wheeler Road under WI Ss 66.296(2) as mapped and described on attached "STREET VACATION MAP"; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, under Section 80.32(4), Wisconsin Statutes, any easements or incidental rights within the vacated Wheeler Road, are perpetuated unless released as part of this vacation;

**NOW THEREFORE BE IT FURTHER RESOLVED**, that the City Clerk validate this street vacation by recordation with the Dane County Register of Deeds;

**PUBLIC HEARING NOTICE MAILING LIST:**

House Number 5102  
Street Dir  
Street Name COMANCHE  
Street Type WAY  
Zip Code 53704  
Land Parcel Num 080924302013  
Owner Name 1 HALBERG, RICHARD B  
Owner Name 2 & SARA L HALBERG  
Owner Address 5102 COMANCHE WAY  
Owner City MADISON  
Owner State WI  
Owner Zip 53704

House Number 1302  
Street Dir  
Street Name WHEELER  
Street Type RD  
Zip Code 53704  
Land Parcel Num 080924301015  
Owner Name 1 CHEROKEE PARK INC  
Owner Name 2  
Owner Address 13 CHEROKEE CIR # 101  
Owner City MADISON  
Owner State WI  
Owner Zip 53704