



Legislation Details (With Text)

**File #:** 60374      **Version:** 1      **Name:** Discontinuing and vacating a portion of the public street right-of-way of Ballast Drive, being located in the NW ¼ of the SW 1/4 of Section 26, Township 7 North, Range 10 East, City of Madison, Dane County, Wisconsin.

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

**File created:** 4/29/2020      **In control:** TRANSPORTATION POLICY AND PLANNING BOARD - ended 3/2023

**On agenda:** 6/2/2020      **Final action:** 6/2/2020

**Enactment date:** 6/4/2020      **Enactment #:** RES-20-00414

**Title:** Discontinuing and vacating a portion of the public street right-of-way of Ballast Drive, being located in the NW ¼ of the SW 1/4 of Section 26, Township 7 North, Range 10 East, City of Madison, Dane County, Wisconsin. (16th AD)

**Sponsors:** Michael J. Tierney

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A.pdf, 2. Exhibit B.pdf, 3. Petition to Vacate Ballast Drive.pdf, 4. 5559081-Lis Pendens.pdf, 5. Ballast Dr Discontinuance Vicinity Map.pdf, 6. Link\_CSM\_Reso\_60163, 7. Staff\_Comments.pdf, 8. registered copy

Date	Ver.	Action By	Action	Result
6/2/2020	1	COMMON COUNCIL	Adopt	Pass
5/20/2020	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING	
5/18/2020	1	PLAN COMMISSION	Return to Lead with the Recommendation for Approval	Pass
5/5/2020	1	BOARD OF PUBLIC WORKS	Referred	
5/5/2020	1	BOARD OF PUBLIC WORKS	Referred	
5/5/2020	1	COMMON COUNCIL	Refer	Pass
4/29/2020	1	Engineering Division	Referred for Introduction	

**Fiscal Note**

The proposed resolution would vacate and discontinue approximately 50,844 sq. ft. or 1.1672 acres of public street right-of-way of Ballast Drive for future site development. The proposed resolution does not require a City appropriation.

**Title**

Discontinuing and vacating a portion of the public street right-of-way of Ballast Drive, being located in the NW ¼ of the SW 1/4 of Section 26, Township 7 North, Range 10 East, City of Madison, Dane County, Wisconsin. (16th AD)

**Body**

**WHEREAS**, the plat of Tradesmen Commerce Park was conditionally approved by the City of Madison Common Council by Enactment Number RES-08-00318, File I.D. Number 09437, as adopted on the 18<sup>th</sup> of March, 2008 and the said Enactment provided for the acceptance of the lands dedicated for public street right-of-ways including Ballast Drive; and

**WHEREAS**, the plat of Tradesmen Commerce Park was subsequently recorded upon the satisfaction of the

conditions of approval on the 7<sup>th</sup> of April, 2008 in Volume 59-050A of Plats on pages 244-245, as Document Number 4416563, Dane County Register of Deeds; and

**WHEREAS**, an application was submitted to the City of Madison Planning Department by the Owners for a Certified Survey Map combining Lots 5 - 9 inclusive of Tradesmen Commerce Park, the public road right-of-way of Ballast Drive as dedicated by the plat of Tradesmen Commerce Park and additional adjacent unplatted lands into two Outlots reserved for future development. The said Certified Survey Map is currently under review by the Plan Commission and will require final action by the Common Council; and

**WHEREAS**, the proposed Outlot 1 and Outlot 2 of Certified Survey Map will have a restriction on the face of the Certified Survey Map stating both Outlots are "reserved for future development". Any future development will require a new, City of Madison approved Land Division creating the required Lot(s) prior to any development; and

**WHEREAS**, the proposed Certified Survey Map, as per said Legislative File I.D. Number 60163, shall not be approved for final recording by the Secretary of the Plan Commission until the Common Council has passed a resolution vacating / discontinuing Ballast Drive and subsequently recorded by the City of Madison Clerk; and

**WHEREAS**, on January 28th, 2020, a written petition was submitted to the City of Madison Engineer to vacate and discontinue Ballast Drive. The written petition for vacation and discontinuance includes the signatures of all owners of lands abutting Ballast Drive to be vacated and discontinued. The said written petition and exhibits are attached hereto and made part of this resolution; and

**WHEREAS**, the public right-of-way of Ballast Drive requested to be vacated and discontinued is as shown and mapped on Exhibit B and legally described on Exhibit A, both of which are attached hereto and made part of this resolution; and

**WHEREAS**, the City Of Madison does not have any public improvements, and never has had any public improvements, within the public right-of-way of Ballast Drive to be vacated and discontinued; 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 public right-of-way vacation and discontinuance subject to conditions as noted herein.

**NOW THEREFORE BE IT RESOLVED**, the City Of Madison hereby conditionally vacates and discontinues the remaining public right-of-way of Commerce Park Drive as shown on attached map Exhibit B and described on the attached Exhibit A, under Wisconsin ss. 66.1003(2), upon the following condition being satisfied to the satisfaction of the City Engineer.

- The Owners of the lands included within the proposed Certified Survey obtains a conditional land division approval for the Certified Survey Map that is consistent, as determined by the City Engineer, with this proposed vacation and discontinuance of Ballast Drive described herein.

**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; 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 and discontinued public right-of-ways 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-way herein vacated and discontinued shall attach to the adjacent properties as provided by Statute;  
and

**BE IT FINALLY RESOLVED**, upon Common Council adoption of this resolution and completion the street vacation and discontinuance condition 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.