



Legislation Details (With Text)

**File #:** 29482      **Version:** 1      **Name:** Vacation/Discontinuance of South Side Way (formerly Raywood Road) from the existing southern right-of-way line of Moorland Road / Raywood Road to the south terminus of said South Side Way (formerly Raywood Road) as dedicated by Certified Survey Map 1698,

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

**File created:** 3/13/2013      **In control:** COMMON COUNCIL

**On agenda:** 4/16/2013      **Final action:** 4/30/2013

**Enactment date:** 5/3/2013      **Enactment #:** RES-13-00309

**Title:** Vacation/Discontinuance of South Side Way (formerly Raywood Road) from the existing southern right-of-way line of Moorland Road / Raywood Road to the south terminus of said South Side Way (formerly Raywood Road) as dedicated by Certified Survey Maps 668, 1635 and 1698, being located in part of the Northeast one-quarter (1/4) of the Northeast one-quarter (1/4), and the Northwest one-quarter (1/4) of the Northeast one-quarter (1/4), and the Northwest one-quarter (1/4) of the Northeast one-quarter (1/4) of Section 31, Town 7 North, Range 10 East, City of Madison (formerly Town of Blooming Grove), Dane County, Wisconsin. (14th AD)

And authorizing the Mayor and City Clerk to execute Release of Right-of-Way Reservation documents administered by Office of Real Estate Services staff, reference Real Estate Project #10058, for various portions of reserved right-of-way for South Side Way per CSM 1635 at the Raywood Road intersection, right-of-way reservation for South Side Way continuation south to E. Clayton Road and Larsen Road and an un-named E-W right-of-way reservation connection to USH 14 / McCoy Road.

**Sponsors:** Paul R. Soglin, Tim Bruer

**Indexes:**

**Code sections:**

**Attachments:** 1. South Side Way Vacate Legal Description.pdf, 2. South Side Way Vacation Map.pdf, 3. Newspaper Notice\_South Side Way Vacation.pdf, 4. RES-13-00309 Complete.pdf

Date	Ver.	Action By	Action	Result
4/30/2013	1	COMMON COUNCIL	Adopt and Close the Public Hearing	Pass
4/16/2013	1	COMMON COUNCIL	Refer For Public Hearing	Pass
4/8/2013	1	PLAN COMMISSION	Return to Lead with the Recommendation for Approval	Pass
4/3/2013	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING	Pass
3/19/2013	1	BOARD OF PUBLIC WORKS	Refer	
3/19/2013	1	COMMON COUNCIL	Refer	Pass
3/13/2013	1	Engineering Division	Referred for Introduction	

**Fiscal Note**

No expenditure of City funds required.

**Title**

Vacation/Discontinuance of South Side Way (formerly Raywood Road) from the existing southern right-of-way line of Moorland Road / Raywood Road to the south terminus of said South Side Way (formerly Raywood

Road) as dedicated by Certified Survey Maps 668, 1635 and 1698, being located in part of the Northeast one-quarter (1/4) of the Northeast one-quarter (1/4), and the Northwest one-quarter (1/4) of the Northeast one-quarter (1/4), and the Northwest one-quarter (1/4) of the Northeast one-quarter (1/4) of Section 31, Town 7 North, Range 10 East, City of Madison (formerly Town of Blooming Grove), Dane County, Wisconsin. (14th AD)

And authorizing the Mayor and City Clerk to execute Release of Right-of-Way Reservation documents administered by Office of Real Estate Services staff, reference Real Estate Project #10058, for various portions of reserved right-of-way for South Side Way per CSM 1635 at the Raywood Road intersection, right-of-way reservation for South Side Way continuation south to E. Clayton Road and Larsen Road and an unnamed E-W right-of-way reservation connection to USH 14 / McCoy Road.

## Body

**WHEREAS**, South Side Way (formerly known and dedicated as Raywood Road) was dedicated to the public per recorded Certified Survey Maps 668, 1635 and 1698, Dane County Registry; and,

**WHEREAS**, this portion of South Side Way public right-of-way was never improved with the construction of a public street by the city of Madison; and,

**WHEREAS**, the City of Madison, as authorized by RES-13-00127, has entered into a Right-of-Way Vacation and Park Dedication Agreement with Highland Manor Associates, Limited Partnership (HMA), the owners of the Highland Manor mobile home community, which consists of the land set forth in CSM 668, regarding the conversion of the South Side Way public right-of-way at this location into public parkland and the construction of a severe weather shelter facility / parks recreation shared structure in this new parkland; and,

**WHEREAS**, the City of Madison has applied for and received approval for federal and state grant funds to construct the shelter facility within the South Side Way right-of-way running through the Highland Manor mobile home community; and,

**WHEREAS**, for the safe room project to move forward, it has been supported by City Parks, Planning, Attorney and Engineering Offices, and the Common Council through RES-13-00127, that the City vacate/discontinue the South Side Way unimproved public right-of-way, and accept rededication of the portion of South Side Way set forth in CSM 668 running through Highland Manor as parkland; and,

**WHEREAS**, there are currently three (3) abutting private property owners to South Side Way (Madison Metropolitan Sewerage District, HMA and The Farm Tavern Inc.) whom all support the proposed vacation of South Side Way; and,

**WHEREAS**, copies of Certified Survey Maps 668, 1635 and 1698, which depict the various portions of South Side Way (formerly Raywood Road) that are proposed to be vacated, are attached hereto and made part of this street vacation resolution; and,

**WHEREAS**, the Office of Real Estate Services has established Real Estate Project No. 10058 to administer the necessary right-of-way reservations; and,

**WHEREAS**, the Office of Real Estate Services has established Real Estate Project No. 10059 to administer the necessary quit claim of vacated South Side Way associated with the Highland Manor property; and,

**NOW THEREFORE BE IT RESOLVED**, that the City Of Madison hereby authorizes the Mayor and City Clerk to execute right-of-way reservation release documents prepared by the Office of Real Estate Services and record said release documents with the Dane County Register of Deeds (Reference ORES Project No. 10058); and,

**BE IT FURTHER RESOLVED**, that the City Of Madison declares that it is in the public's interest to discontinue and vacate South Side Way (formerly known as Raywood Road) from Moorland Road / Raywood Road to the south terminus, in accordance with WI ss 66.1003(4) and said right-of-way is hereby conditionally vacated; and,

**BE IT FURTHER RESOLVED**, the recorded Certified Survey Map 668, 1635 and 1698 exhibits attached hereto and made part of this resolution, which depict the proposed vacation area, upon adoption of this resolution shall be recorded by the City Clerk with a certified copy of the resolution with the Dane County Register of Deeds; and,

**BE IT FURTHER RESOLVED**, under Section 66.1005(2), Wisconsin Statutes, any existing recorded public easements or incidental rights within the vacated street areas are perpetuated as part of this vacation, together with permanent access, construction and maintenance easements retained over the entire vacated street areas for perpetual public infrastructure rights relative, but not limited to, existing public storm sewer and drainage, sanitary sewer, water main and any potential future need for re-establishment of public street; and,

**BE IT FURTHER RESOLVED**, under Section 66.1005(1), Wisconsin Statutes, reversionary rights of vacated South Side Way public right-of-way will attach entirely to the adjacent properties, owned by Madison Metropolitan Sewerage District, HMA and The Farm Tavern Inc.; and,

**BE IT FURTHER RESOLVED**, following Common Council adoption and the City Clerk recording of the street vacation resolution and exhibits with the Dane County Register of Deeds, the reversionary interests of vacated South Side Way to the adjacent HMA owned property will be dedicated back to the City (Reference ORES Project No. 10059) by a new Certified Survey Map to be later approved and recorded with the Register of Deeds to facilitate the proposed project; and,

**BE IT FURTHER RESOLVED**, the new Certified Survey Map will create any new public easements or rights required as well as memorialize public easements retained by this street vacation for existing public infrastructure in place at the time of vacation that will not be abandoned and/or relocated; and,

**BE IT FURTHER RESOLVED**, following adoption of this resolution and the City Clerk recording said resolution with the Dane County Register of Deeds, title of the vacated street right-of-ways is effectively conveyed to the other two abutting properties (Madison Metropolitan Sewerage District and The Farm Tavern Inc.), and the City of Madison Assessor's Office will attach and include these vacated lands with the appropriate adjacent properties; and,

**BE IT FINALLY RESOLVED**, that upon Common Council adoption of this vacation resolution, all supplemental map exhibits made part of this street vacation resolution shall be attached by the City Clerk to a certified copy of the final resolution and recorded with the Dane County Register of Deeds.