



Legislation Details (With Text)

**File #:** 15089      **Version:** 1      **Name:** Vacation/Discontinuance of a portion of Wright St from Mitchell St north to previously vacated Miller St, being located in part of the SE ¼ of the NE ¼ & part of the NE ¼ of the NE ¼ of Section 29, T8N, R10E, City of Madison, Dane County, Wisconsin, & aut

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

**File created:** 6/10/2009      **In control:** BOARD OF PUBLIC WORKS

**On agenda:** 8/4/2009      **Final action:** 8/4/2009

**Enactment date:** 8/5/2009      **Enactment #:** RES-09-00683

**Title:** Vacation/Discontinuance of a portion of Wright Street from Mitchell Street north to previously vacated Miller Street, being located in part of the Southeast ¼ of the Northeast ¼ and part of the Northeast ¼ of the Northeast ¼ of Section 29, Town 08 North, Range 10 East, City of Madison, Dane County, Wisconsin, and authorizing the Mayor and City Clerk to accept a public easement from Dane County necessary to allow continued City of Madison access and any other incidental easement rights necessary to maintain the existing Lift Station No. 22 located at 2722 Wright Street as it remains in full operation. (17th AD)

**Sponsors:** Joseph R. Clausius

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit 7 South Ramp Hangar 2009-06-10.pdf, 2. Exhibit C - Wright St Vacation Map.pdf, 3. Exhibit B - Lift Station Access Easement Legal.pdf, 4. Exhibit A - Lift Station Access Easement Map.pdf, 5. Exhibit D - Wright St Vacation Description.pdf, 6. street vacation affidavit.pdf, 7. ROD #4594405.pdf, 8. Registered Resolution.pdf

Date	Ver.	Action By	Action	Result
8/4/2009	1	COMMON COUNCIL	Adopt and Close the Public Hearing	Pass
7/22/2009	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING	Pass
7/6/2009	1	PLAN COMMISSION	Return to Lead with the Recommendation for Approval	Pass
6/16/2009	1	BOARD OF PUBLIC WORKS	Refer	
6/16/2009	1	COMMON COUNCIL	Referred for Public Hearing	
6/10/2009	1	Engineering Division	Referred for Introduction	

**Title**

Vacation/Discontinuance of a portion of Wright Street from Mitchell Street north to previously vacated Miller Street, being located in part of the Southeast ¼ of the Northeast ¼ and part of the Northeast ¼ of the Northeast ¼ of Section 29, Town 08 North, Range 10 East, City of Madison, Dane County, Wisconsin, and authorizing the Mayor and City Clerk to accept a public easement from Dane County necessary to allow continued City of Madison access and any other incidental easement rights necessary to maintain the existing Lift Station No. 22 located at 2722 Wright Street as it remains in full operation. (17th AD)

**Body**

**WHEREAS**, Dane County Regional Airport (“DCRA”), as sole adjacent property owner with reversionary interest, requests the City of Madison vacate the dead end portion of Wright Street from Mitchell Street to the north terminus to facilitate their proposed hangar expansion project; and

**WHEREAS**, “DCRA”, as sole abutting property owner of 3499 Miller Street, retains sole legal reversionary interest of the Wright Street vacation area; and

**WHEREAS**, the City of Madison previously vacated a portion of Miller Street west of Wright Street as recorded November 29, 1994 as Document No. 2647548; and

**WHEREAS**, the City of Madison conditionally vacated the remaining portion of Miller Street and Hoffman Street from Miller Street south to Mitchell Street for a period of fifty years as recorded September 15, 2004 as Document No. 3967963; and

**WHEREAS**, although the City of Madison previously vacated all remaining portions of Miller Street, the address for City Parcel Identification Number 251/0810-291-0099-8 remains 3499 Miller Street due to the conditional fifty (50) year term and potential reversion to public right-of-way as defined in the previous vacation; and

**WHEREAS**, “DCRA” has proposed a hangar expansion project titled “South Ramp Hangar” to facilitate the increased “DCRA” needs and also erect some perimeter fencing and gates to increase security around the perimeter of the proposed hangar project located just north of Mitchell Street as identified on conceptual drawing Exhibit 7 prepared by Mead & Hunt for DCRA, which is made part of this resolution; and

**WHEREAS**, in order to accommodate such plans, “DCRA” has requested that the City of Madison vacate the dead end portion of Wright Street from Mitchell Street to the existing north terminus defined by the previous City of Madison vacation of Miller Street; and

**WHEREAS**, “DCRA” agrees to facilitate through Airport Operations the necessary 24 hours a day, seven days a week access to all existing public sanitary, water main and other public owned and maintained infrastructure within the Airport’s secured perimeter; and

**WHEREAS**, most specifically, as a condition of approval for this proposed vacation, “DCRA” shall grant to the City of Madison, by separate recorded easement conveyance document, a secondary access easement to the City of Madison. This city access across DCRA lands will be an alternate location allowing for continued city access to existing City of Madison Lift Station No. 22. The Lift Station is located within a public easement on “DCRA” lands adjacent to the west line of Wright Street near the north terminus of the proposed vacated area; and

**WHEREAS**, DCRA agrees to pay \$500 to the City of Madison to cover administrative costs and recording fees associated with the City of Madison Office of Real Estate Services processing of the public access easement grant from DCRA to the City of Madison Engineering Division for the lift station; and

**WHEREAS**, the alternate access easement area is east of Wright Street as depicted on Mead & Hunt prepared map Exhibit A - Lift Station Access Easement Map and legal description Exhibit B Lift Station Access Easement Legal, both which are made part of this Resolution; and

**WHEREAS**, “DCRA” shall construct the public lift station access road in accordance with plans prepared by “DCRA” and/or Mead & Hunt for the South Ramp Hangar. Site plans shall be submitted and approved by the appropriate City of Madison agencies. The access road design plans shall be reviewed and approved by the City Engineer.

**WHEREAS**, the City Of Madison Engineering Division does have public water main and public sanitary sewer facilities in close proximity of the proposed Wright Street vacation / discontinuance area. These facilities are within existing public easement documents 2872228 and 1416749 respectively. Any other incidental public easement rights for existing facilities within the proposed Wright Street at the time of vacation / discontinuance

area are hereby retained within the vacated areas by this resolution under 80.32(4) WI Statutes; and

**WHEREAS**, City of Madison Engineering Division has created Project No. 53W0862-Wright Street Vacation; and

**WHEREAS**, the City of Madison Office of Real Estate Services has created Project No. 9187 to administer the public access easement; and

**NOW THEREFORE BE IT RESOLVED**, that the City Of Madison hereby conditionally discontinues and vacates part of Wright Street from Mitchell Street to the north terminus, being located in part of the Northeast 1/4 of Section 29, Town 08 North, Range 10 East, City of Madison, Dane County, Wisconsin under WI Ss 66.1003(2) in accordance with future City Engineer approved lift station access road construction plans as depicted on Map Exhibit C and Legal Description Exhibit D attached and made part of this Resolution; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, under Section 80.32(4), Wisconsin Statutes, any existing easements or incidental rights within the vacated Wright Street are perpetuated as part of this vacation over the entire vacated Wright Street areas for perpetual public infrastructure rights relative, but not limited to, public storm sewer and drainage, sanitary sewer, water main and potential need for re-establishment of public street; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, the City of Madison will neither permit nor allow any new buildings to be constructed by DCRA within 15 feet of the existing public sanitary sewer or water main facilities; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, the Mayor and City Clerk are hereby authorized to sign all documents and accept a public easement from Dane County to allow continued City of Madison access and any other incidental easement rights necessary to maintain the existing Lift Station No. 22 located at 2722 Wright Street as it remains in full operation.

**NOW THEREFORE BE IT FURTHER RESOLVED**, under Section 66.1005(1), Wisconsin Statutes, reversionary rights of the portion of vacated Shaw and Swanson Street public right-of-ways will attach entirely to the adjacent abutting property at 2502 Swanson Street; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, that the City Clerk validate this street vacation by recordation with the Dane County Register of Deeds, when instructed by the City Engineer to record, following satisfaction of all street vacation conditional requirements; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, all five supplemental exhibits, Exhibits A, B, C and D and Exhibit 7 shall be attached to the final recorded resolution; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, following adoption of this resolution and the City Clerk recording with the Dane County Register of Deeds, effectively conveying title of the vacated Wright Street right-of-way, the City of Madison Assessor's Office will include the vacated lands with the following City of Madison parcel and the respective owner:

Dane County Regional Airport  
3499 Miller Street  
251/0810-291-0099-8

**NOW THEREFORE BE IT FURTHER RESOLVED**, following adoption of this resolution, the City of Madison Office of Real Estate Services shall administer and record with the Dane County register of Deeds the public lift station access easement.

**Fiscal Note**

No expenditure of City funds is required for the street vacation, yet \$500 Office of Real Estate Services fee for easement administration to be paid by Dane County and deposited into GN01-78231.