



Legislation Details (With Text)

**File #:** 54505      **Version:** 1      **Name:** This vacation and discontinuance of approximately 116,368 sq. ft. or 2.6714 acres of unimproved public street right-of-ways within the plat of First Addition to 1000 Oaks to allow the replatting of a portion the development does not require expenditure of

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

**File created:** 1/29/2019      **In control:** Engineering Division

**On agenda:** 3/19/2019      **Final action:** 3/19/2019

**Enactment date:** 3/25/2019      **Enactment #:** RES-19-00190

**Title:** Discontinuing and vacating multiple public unimproved street right-of-ways within the plat of First Addition to 1000 Oaks to allow the replatting of a portion the development, being located in the Southwest ¼ and Southeast 1/4 of the Southwest 1/4 of Section 28, Township 7 North, Range 8 East, City of Madison, Dane County, Wisconsin. (9th AD)

**Sponsors:** Paul E. Skidmore

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit\_A.pdf, 2. Exhibit\_B.pdf, 3. Vicinity\_Map\_1000\_Oaks\_Discontinuance.pdf, 4. Lis\_pendens.pdf, 5. Register of Deeds copy

Date	Ver.	Action By	Action	Result
3/19/2019	1	COMMON COUNCIL	Adopt and Close the Public Hearing	Pass
3/6/2019	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING	Pass
2/25/2019	1	PLAN COMMISSION	Return to Lead with the Recommendation for Approval	Pass
2/5/2019	1	BOARD OF PUBLIC WORKS	Refer	
2/5/2019	1	COMMON COUNCIL	Refer For Public Hearing	
1/29/2019	1	Engineering Division	Referred for Introduction	

**Fiscal Note**

This vacation and discontinuance of approximately 116,368 sq. ft. or 2.6714 acres of unimproved public street right-of-ways within the plat of First Addition to 1000 Oaks to allow the replatting of a portion the development does not require expenditure of City funds.

**Title**

Discontinuing and vacating multiple public unimproved street right-of-ways within the plat of First Addition to 1000 Oaks to allow the replatting of a portion the development, being located in the Southwest ¼ and Southeast 1/4 of the Southwest 1/4 of Section 28, Township 7 North, Range 8 East, City of Madison, Dane County, Wisconsin. (9th AD)

**Body**

**WHEREAS**, the plat of First Addition to 1000 Oaks was conditionally re-approved by the City of Madison Common Council by Enactment Number RES-16-00231, File I.D. Number 42140, as adopted on the 29th of March, 2016 and the said Enactment provided for the acceptance of the lands dedicated for public street right-of-ways; and

**WHEREAS**, the plat of First Addition to 1000 Oaks was subsequently recorded upon the satisfaction of the

conditions of approval on the 20th of April, 2016 in Volume 60-051A of Plats on pages 265 - 272, as Document Number 5228591, Dane County Register of Deeds; and

**WHEREAS**, an application was made with the Department of Planning & Community & Economic Development for a preliminary and final plat to replat a portion of the plat of First Addition to 1000 Oaks in order to widen Sugar Maple Lane from 66 feet in width to 80 feet in width. Action by the Common Council on the preliminary and final plat of 1000 Oaks Replat No. 2 will be under Legislative File I.D. No. 53868; and

**WHEREAS**, the proposed replat will alter areas dedicated to the public for public street right-of-way, and the replat may not be recorded until those areas dedicated to the public for street right-of-way have been properly vacated and discontinued under s. 66.1003 Wisconsin Statutes; and

**WHEREAS**, portions of the unimproved public right-of-ways of Sugar Maple Lane, Sunny Spring Drive, Sweet Willow Pass and Tawny Acorn Drive dedicated by the plat of First Addition to 1000 Oaks are to be vacated and discontinued. D'Onofrio Kottke and Associates Inc. and City of Madison Engineering Division, have prepared the necessary public right-of-way vacation and discontinuance maps (Exhibit A) and legal descriptions (Exhibit B) delineating all of these areas to be discontinued, all Exhibits are attached hereto and made part of this resolution; and

**WHEREAS**, the current developer and owner has not constructed, nor has the City of Madison accepted any public utilities or street improvements within any of the public right-of-ways or unpaved public alleys to be vacated and discontinued; and

**WHEREAS**, this vacation and discontinuance will not result in a landlocked parcel of property due to the current contiguous common ownership of the Lots of the plat of First Addition to 1000 Oaks adjacent to this proposed vacation and discontinuance; and

**WHEREAS**, the City Engineering Division recommends approval of these public right-of-way vacations and discontinuances 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-ways as shown on attached maps and legal descriptions, under Wisconsin ss. 66.1003(4), upon completion of the following condition:

- VH 1000 OAKS, LLC (developer) shall enter into any agreement(s) required by the City of Madison in conjunction with the approval of the proposed development.

**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 and unpaved public alleys 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 and unpaved public alleys 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-ways and unpaved public alleys 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.