



Legislation Details (With Text)

**File #:** 17250      **Version:** 1      **Name:** Vacate portion of Allied Terrace  
**Type:** Resolution      **Status:** Passed  
**File created:** 1/25/2010      **In control:** BOARD OF PUBLIC WORKS  
**On agenda:** 2/2/2010      **Final action:** 3/2/2010  
**Enactment date:** 3/3/2010      **Enactment #:** RES-10-00179

**Title:** A resolution authorizing the City Attorney to petition Dane County Circuit Court to vacate/discontinue a portion of the lands dedicated to the public within the plat of 1st Addition to Allied Terrace to allow recording of the Allied Drive Phase II plat.

**Sponsors:** Brian L. Solomon

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit 1 (Allied Terrace - 1st Addition), 2. Exhibit 2 (Allied Drive Phase II Preliminary Plat), 3. Exhibit 3 (Allied Drive Phase II Vacated Land Survey)

Date	Ver.	Action By	Action	Result
3/2/2010	1	COMMON COUNCIL	Adopt	Pass
2/17/2010	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
2/11/2010	1	COMMUNITY DEVELOPMENT AUTHORITY	Return to Lead with the Recommendation for Approval	Pass
2/8/2010	1	PLAN COMMISSION	Return to Lead with the Recommendation for Approval	Pass
2/3/2010	1	BOARD OF PUBLIC WORKS	Refer	
2/3/2010	1	BOARD OF PUBLIC WORKS	Refer	
2/2/2010	1	COMMON COUNCIL	Refer	Pass
1/25/2010	1	Attorney's Office	Referred for Introduction	

**Fiscal Note**

No expenditure is required.

**Title**

A resolution authorizing the City Attorney to petition Dane County Circuit Court to vacate/discontinue a portion of the lands dedicated to the public within the plat of 1st Addition to Allied Terrace to allow recording of the Allied Drive Phase II plat.

**Body**

Whereas, the plat of 1<sup>st</sup> Addition to Allied Terrace was recorded July 18, 1963 in Volume 27 of Plats, Page 1 as Document No. 1077805, located in part of the Northwest ¼ of Section 5, Town 6 North, Range 9 East, City of Madison, Dane County, Wisconsin; and

Whereas, said Plat included a strip of land dedicated to the public; and

Whereas, stormwater improvements, a parking lot for the Boys and Girls Club, and a public street have been constructed over portions of such dedicated lands and the remainder is vacant and undeveloped; and

Whereas, the Community Development Authority of the City of Madison (the "CDA") has submitted to the City a preliminary plat, Allied Drive Phase II, which is a replat of part of the 1<sup>st</sup> Addition to Allied Terrace; and

Whereas, prior to the recording of the proposed plat of Allied Drive Phase II, the City must petition the Dane County Circuit Court to vacate/discontinue a portion of the lands dedicated to the public; and

Whereas, Section 236.43 of the Wisconsin Statutes provides that the Circuit Court may vacate or alter areas dedicated to the public conditioned upon the adoption of a resolution by the City's governing body.  
Now, therefore, be it resolved, that the City Attorney is hereby authorized and directed to jointly request and petition the Circuit Court with the CDA to vacate/discontinue those lands previously dedicated to the public that are presently vacant and undeveloped, as shown on the attached exhibits.