



## Legislation Details (With Text)

**File #:** 07591      **Version:** 1      **Name:** Vacation/Discontinuance of a portion of Shaw Street between Grim Street and Swanson Street & Authorizing the Mayor and City Clerk to accept dedication of lands from Dane County as needed for the proposed improvements to Grim and Swanson Streets.

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

**File created:** 9/21/2007      **In control:** Engineering Division

**On agenda:** 1/8/2008      **Final action:** 1/8/2008

**Enactment date:** 1/9/2008      **Enactment #:** RES-08-00004

**Title:** Vacation/Discontinuance of a portion of Shaw Street between Grim Street and Swanson Street and a portion of Swanson Street near the intersection of Shaw Street, being located in part of the Southeast 1/4 of the Southeast 1/4 of Section 30, Town 08 North, Range 10 East, City of Madison, Dane County, Wisconsin, and authorizing the Mayor and City Clerk to accept dedication of lands from Dane County as needed for the proposed improvements to Grim and Swanson Streets. (17th AD)

**Sponsors:** Joseph R. Clausius

**Indexes:**

**Code sections:**

**Attachments:** 1. Conceptual Vacation Area Proposed.pdf, 2. Exhibit A-Dane Co Airport Fence Enclosure.pdf, 3. Add Comment 101507.pdf, 4. ROW DEDICATION.pdf, 5. VACATE STREET.pdf, 6. 07591Memo from City Engineer.pdf, 7. 07591 Registration Stmt.pdf, 8. 07591 Registration Stmt2.pdf, 9. 07591 Register of Deeds Recording.pdf, 10. 07591 memo with resolution.pdf

Date	Ver.	Action By	Action	Result
1/8/2008	1	COMMON COUNCIL	Adopt and Close the Public Hearing	Pass
12/4/2007	1	Engineering Division	RECOMMEND TO COUNCIL TO ADOPT - RECESSED PUBLIC HEARING	
11/20/2007	1	COMMON COUNCIL	Re-refer for Recessed Public Hearing	Pass
11/7/2007	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING	Pass
10/29/2007	1	PEDESTRIAN/BICYCLE/MOTOR VEHICLE COMMISSION (ended 6/2018)	Return to Lead with the Following Recommendation(s)	Pass
10/15/2007	1	PLAN COMMISSION	Return to Lead with the Recommendation for Approval	Pass
10/2/2007	1	COMMON COUNCIL	Refer For Public Hearing	
10/2/2007	1	BOARD OF PUBLIC WORKS	Refer	
10/2/2007	1	BOARD OF PUBLIC WORKS	Refer	
9/24/2007	1	Engineering Division	Referred for Introduction	
9/21/2007	1	Engineering Division	Fiscal Note Required / Approval	
9/21/2007	1	Finance Dept/Approval Group	Approved Fiscal Note By The Comptroller's Office	

### Fiscal Note

No expenditure of City funds is required.

**Title**

Vacation/Discontinuance of a portion of Shaw Street between Grim Street and Swanson Street and a portion of Swanson Street near the intersection of Shaw Street, being located in part of the Southeast 1/4 of the Southeast 1/4 of Section 30, Town 08 North, Range 10 East, City of Madison, Dane County, Wisconsin, and authorizing the Mayor and City Clerk to accept dedication of lands from Dane County as needed for the proposed improvements to Grim and Swanson Streets. (17th AD)

**Body**

**WHEREAS**, Dane County executed a quit claim deed and recorded the same on October 16, 1974 in Volume 538 of Records, Page 333, as Document No. 1412331, which conveyed numerous public right-of-ways within the Truax Air Field / Dane County Regional Airport, including sixty (60) feet in width of the subject Shaw Street and Swanson Street right-of-ways; and

**WHEREAS**, Dane County recorded First Addition to Truax Air Park West on April 25, 1984 in Volume 54 of Plats on Pages 34-38 as Document No. 1829402 which dedicated a sixty-six (66) wide right-of-way for Shaw Street over the previous dedicated sixty (60) feet wide quit claim Shaw Street right-of-way apparently widening six (6) feet to the north; and

**WHEREAS**, Dane County recorded First Addition to Truax Air Park West on April 25, 1984 in Volume 54 of Plats on Pages 34-38 as Document No. 1829402 which dedicated a sixty-six (66) wide right-of-way for Swanson Street over the previous dedicated sixty (60) feet wide quit claim Swanson Street right-of-way apparently on the same centerline alignment; and

**WHEREAS**, Dane County Regional Airport has proposed to erect some fencing and gates to increase security around the perimeter of fuel tanks located just north of, and adjacent to the subject public right-of-way, Shaw Street as identified on conceptual drawing prepared by Dane County Regional Airport Exhibit A, which is made part of this resolution; and

**WHEREAS**, in order to accommodate such plans, Dane County has requested that the City of Madison vacate part of Shaw Street between Grim Street and Swanson Street and also vacate a portion of Swanson Street near the intersection with Shaw Street; and

**WHEREAS**, Dane County Regional Airport agrees to facilitate through Airport Operations the necessary of access 24 hours a day, seven days a week to all existing public sanitary, water main and other public owned and maintained infrastructure within the Airport's secured perimeter, ; and

**WHEREAS**, Dane County Regional Airport is the adjacent owner of the abutting property at 2502 Swanson Street and retain sole legal reversionary interest of the Shaw Street vacation area; and

**WHEREAS**, City of Madison Engineering Division has created Project No. 53W0528-Shaw Street Vacation (Land Records) and 53B2183-Shaw Street Vacation for required public street improvements to remaining Grim and Swanson Streets; and

**WHEREAS**, City of Madison Real Estate Department has created Project No. 8845 for the administration of the Shaw and Swanson Street Vacation and right-of-way dedication for required public street improvements to remaining Grim and Swanson Streets; and

**WHEREAS**, City of Madison Real Estate Department requires the owner, Dane County Airport, pay a \$500 administrative fee to administer this project; and

**WHEREAS**, the City Of Madison Engineering Division does have public water main, public sanitary sewer, public storm sewer facilities or public surface drainage rights within the proposed Shaw and Swanson Street vacation right-of-way areas and public easement rights will be retained within the vacated areas as part of this resolution; and

**WHEREAS**, the City Of Madison Engineering Division, Fire Department and Streets Division support the vacation/discontinuance of the Shaw Street and Swanson Street right-of-ways.

**NOW THEREFORE BE IT RESOLVED**, that the City Of Madison hereby conditionally discontinues and vacates part of Shaw Street between Grim Street and Swanson Street and part of Swanson Street near the intersection with Shaw

Street, being located in part of the Southeast 1/4 of the Southeast 1/4 of Section 30, 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 construction plans and coordinated plat of survey map and legal description Exhibit B documents; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, under Section 80.32(4), Wisconsin Statutes, any existing easements or incidental rights within the vacated Shaw Street are perpetuated as part of this vacation, together with permanent access, construction and maintenance easements retained over the entire vacated Shaw and Swanson 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**, 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**, following adoption of this resolution, public street improvements, including the closure of Shaw Street and new cul-de-sac designs for remaining Grim and Swanson Streets, shall be completed at sole cost to Dane County Regional Airport in a manner satisfactory to the City of Madison and plans prepared and/or approved by the City Engineer; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, Dane County Regional Airport shall provide at their sole cost, topographic survey information to assist City Engineering for preparation of street plans and a plat of survey map and legal description Exhibit B prepared and stamped by a Registered Land Surveyor, identifying the resultant final vacation/discontinuance area consistent with the plans prepared and/or approved by the City Engineer; 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 Shaw and Swanson Street right-of-ways, 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  
2502 Swanson Street  
251/0810-304-0309-2

**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**, Exhibit A and Exhibit B shall be attached to the final recorded resolution; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, that the Mayor and City Clerk are hereby authorized to execute all necessary documents and accept dedication of required right-of-way for street improvements which will occur for Grim and Swanson Streets as part of this project.