



## Legislation Text

File #: 50884, Version: 1

### Fiscal Note

The proposed resolution for vacation and discontinuance of approximately 401,624 sq. ft. or 9.22 acres of multiple unimproved public street right-of-ways and unpaved public alleys within the plat of Eastlawn to allow the replatting of the development requires no appropriation of City funds.

### Title

Discontinuing and vacating multiple public unimproved street right-of-ways and unpaved public alleys within the plat of Eastlawn to allow the replatting of the development, being located in the Northwest ¼ of the Southeast 1/4 of Section 2, Township 7 North, Range 10 East, City of Madison, Dane County, Wisconsin. (3rd AD)

### Body

**WHEREAS**, the plat of Eastlawn was conditionally approved by the City of Madison Common Council by Enactment Number RES-09-00169, File I.D. Number 11310, as adopted on the 3rd of February, 2009 and the said Enactment provided for the acceptance of the lands dedicated for public street right-of-ways and public alleys; and

**WHEREAS**, the plat of Eastlawn was subsequently recorded upon the satisfaction of the conditions of approval on the 6th of May, 2010 in Volume 59-078B of Plats on pages 363 - 364, as Document Number 4653784, Dane County Register of Deeds; and

**WHEREAS**, an application was made with the Department of Planning & Community & Economic Development to change the zoning of the majority of the lands currently within the said plat of Eastlawn. That that rezoning request was conditionally approved by the City of Madison Common Council on the 6<sup>th</sup> of February, 2018, Enactment Number ORD-18-00015, File I.D. Number 49894; and

**WHEREAS**, an application was made with the Department of Planning & Community & Economic Development for a preliminary and final plat replatting the majority of the plat of Eastlawn in conjunction with the conditionally approved zoning application. The preliminary and final plat of Northeast Addition to Grandview Commons were conditionally approved by the City of Madison Common Council on the 6<sup>th</sup> of February 6, 2018, RES-18-00093, File I.D. No. 49693; and

**WHEREAS**, the proposed replat will alter areas dedicated to the public for public street right-of-way and alley purposes, and the replat may not be recorded until those areas dedicated to the public for street right-of-way and alley purposes have been properly vacated and discontinued under s. 66.1003 Wisconsin Statutes; 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**, the City Of Madison currently does not have any public facilities within the public right-of-ways or unpaved public alleys to be vacated and discontinued; and

**WHEREAS**, portions of the unimproved public right-of-ways of North Star Drive, Driscoll Drive, Galileo Drive, Ragan Street, Misty Bridge Road, Stoney Oak Lane, Peterson Street and all of the unpaved public alleys dedicated by the plat of Eastlawn 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 and alley 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**, this vacation and discontinuance will not result in a landlocked parcel of property due to the current contiguous common ownership of the Lot and Outlots within the plat of Eastlawn and the pending replatting of the development; and

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

- VH GVC NE, 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.