



Legislation Text

File #: 79381, **Version:** 1

Fiscal Note

The proposed resolution releases City of Madison's reservation for a future street on a parcel that is now in the City of Fitchburg. No City appropriation required.

Title

Authorizing the execution of a Release of a Reservation for a Future Street as granted over Lot 2 of Certified Survey Map No. 555, now in the City of Fitchburg (adjacent to City of Madison District 14).

Body

The proposed resolution requests the release of the City of Madison's interest in a 30-foot wide future roadway reservation, which Madison imposed on a Certified Survey Map recorded in 1971 for land located on the west side of Fish Hatchery Road north of Post Road. CSM 555 noting the reservation is attached, with the reservation highlighted in an orange box. The lands including the parcel with the reservation were detached from the City of Madison to the Town of Fitchburg per a 1975 agreement as noted below, after which, the land with the reservation became part of the City of Fitchburg upon its incorporation in 1983.

The City of Fitchburg has been approached about redevelopment of what is now known as Bowman Plaza and in turn has requested that the City of Madison release any interest and/ or right of enforcement it may have within the Reservation Area, which as noted is now wholly in the City of Fitchburg. Staff from City of Madison Planning Division, Engineering Division, and Department of Transportation have discussed the request and recommend that the City of Madison release our interest in the reservation. In addition to our releasing our interest, Fitchburg has signaled that they will release theirs by resolution prior to Fitchburg recording a release document with the Dane County Register of Deeds.

WHEREAS, Certified Survey Map No. 555 was approved by the City of Madison and was recorded on June 11, 1971 in Volume 3 of Certified Surveys, pages 59 & 60, as Document No. 1293095 (CSM 555), a copy of which is attached and made part of this resolution; and

WHEREAS, the Northerly 30 feet of Lot 2 of said CSM 555 (the "Parcel") is subject to a Reservation for a Future Street (the "Reservation Area") as noted and depicted on the face of said CSM 555; and

WHEREAS, lands including this Parcel were detached from the City of Madison to the Town of Fitchburg per an Agreement entitled "Municipal Boundaries Fixed by Judgement or Agreement, Ordinance No. 5042, File No. 5046-290, adopted by the Common Council on May 12, 1975 providing for the execution of the agreement, said Ordinance recorded as Document No. 1432144, Dane County Register of Deeds; and

WHEREAS, the Town of Fitchburg was incorporated as the City of Fitchburg on April 26, 1983, therefore the Parcel now resides within the City of Fitchburg corporate boundary; and

WHEREAS, the City of Fitchburg is in favor of redevelopment of the Parcel that would include the redevelopment of the Parcel that would include building and site improvements within the Reservation Area. Thus the City of Fitchburg has made a request the City of Madison Planning Department for the City of Madison to release any interest and / or right of enforcement it may have within the Reservation Area; and

WHEREAS, City of Madison Planning Division, Engineering Division and Transportation Division agree that

the release of the Reservation Area by the City of Madison is consistent with, and not contrary to, neighborhood planning and future right of way needs of the City of Madison and recommend the release of any interest and / or right of enforcement the City of Madison may have within the Reservation Area.

NOW, THEREFORE, BE IT RESOLVED that in accordance with Section 236.293 of the Wisconsin Statutes, the Mayor and the City Clerk are hereby authorized to execute a release of all interests and / or right of enforcement the City of Madison may have within the Reservation Area as set forth by CSM 555. The recordable release document shall be in a format reviewed and approved by the City of Madison Attorney's Office prior to final execution and recording with the Dane County Register of Deeds. The release area being described as follows:

A 30 foot wide area depicted and noted as "Reserved for a Future Street", being the Northerly 30 feet of Lot 2, Certified Survey Map No. 555, recorded on June 11, 1971 in Volume 3 of Certified Surveys, pages 59 & 60, as Document No. 1293095 Dane County Register of Deeds, now in the City of Fitchburg, Dane County, Wisconsin.