



## Legislation Text

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File #: 77393, Version: 1

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### Fiscal Note

No City appropriation required.

### Title

Partially discontinuing and vacating public street right-of-way located at the southwesterly corner of the intersection of McKee Rd with Maple Grove Dr for a Planned Development Amendment and Certified Survey Map, being located in the Northwest 1/4, of the Northwest 1/4 of Section 12, Township 6 North, Range 8 East, City of Madison, Dane County, Wisconsin. (7th AD)

### Body

**WHEREAS**, Certified Survey Map No. 14204 (“CSM 14204”) was conditionally approved by the City of Madison Common by Enactment Number RES-15-00716, File I.D. Number 39487, as adopted on the 26<sup>th</sup> of August, 2015 and the said Enactment provided for the acceptance of the lands dedicated for public street right-of-way adjacent to the northeast corner of Lot 2 of CSM 14204.

**WHEREAS**, the said dedication of lands by CSM 14204 were required as a condition of approval to for a future roundabout to be designed by the City Traffic Engineering Division; and

**WHEREAS**, CSM 14204 was subsequently recorded upon the satisfaction of the conditions of approval on the 22<sup>nd</sup> of March, 2016 in Volume 96 of Certified Surveys, on pages 149-155, as Document Number 5221948, Dane County Register of Deeds; and

**WHEREAS**, a Land Use Application was submitted to the City of Madison Planning Department by Mad Grove, LLC for an amendment to a Planned Development District - General Development Plan to allow future mixed-use, commercial and multi-family residential development; and

**WHEREAS**, Enactment Number ORD-22-00015, File ID No. 75171 was adopted by the City of Madison Common Council on February 7, 2023 conditionally approving the said amendment to a Planned Development District - General Development Plan. A condition of the approval to be satisfied prior to the final approval and the recording of the amended Planned development requires a partial discontinuance of the said public right-of-way adjacent to the northeast corner of Lot 2 of CSM 14204; and

**WHEREAS**, Mad Grove LLC (owner) has made an application with the Department of Planning & Community & Economic Development, Legistar File No. 76902, for the review and approval a proposed Certified Survey Map to divide existing Lot 2 of CSM 14204 into two (2) lots in conjunction with the proposed amendment to the Planned Development District - General Development Plan; and

**WHEREAS**, the proposed Certified Survey Map includes, within its exterior boundary, the said partial discontinuance of the said public right-of-way adjacent to the northeast corner of Lot 2 of CSM 14204. Therefore the previously dedicated public right-of-way is required to be properly vacated and discontinued under s. 66.1003 Wisconsin Statutes prior to recording the proposed Certified Survey Map; and

**WHEREAS**, the proposed portion of the public right-of-way of adjacent to the northeast corner of Lot 2 of CSM 14204 is 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 map and legal description (Exhibit A) delineating the area of public right-of-way to be discontinued. Said Exhibit A being attached hereto and made part of this resolution; and

**WHEREAS**, the City Traffic Engineering Division has confirmed a roundabout is not envisioned at the intersection of McKee Rd and Maple Grove Dr, and therefore is supportive of the partial vacation of the public right-of-way as proposed herein; and

**WHEREAS**, the City Of Madison currently does not have any public facilities within the public right-of-way proposed to be vacated and discontinued; and

**WHEREAS**, there are utility facilities within the public right-of-way being proposed to be vacated and discontinued owned by private and private public utilities serving the area as shown on said Exhibit A. The area being vacated and discontinued also being subject to a 10' wide Public Utility Easement per Document No. 2781492 as also shown and noted on said Exhibit A; and

**WHEREAS**, this vacation and discontinuance will not result in a landlocked parcel of property; and

**WHEREAS**, the City Engineering Division recommends approval of this partial public right-of-way vacation 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 and described on attached Exhibit A, under Wisconsin ss. 66.1003(4), upon completion of the following condition:

- The conditions of approval as adopted by the Common Council for the proposed Certified Survey Map per Legislative File ID 76902 shall be addressed to the satisfaction of the City of Madison Engineer.

**BE IT FURTHER RESOLVED**, that, under Wisconsin ss. 66.1005(2)(a)(1) the City of Madison releases any easements and rights it may have within the public right-of-ways being vacated and discontinued; and

**BE IT FURTHER RESOLVED**, under Section 66.1005(2), Wisconsin Statutes 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 herein vacated and discontinued shall attach to the adjacent property; 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.