



## Legislation Text

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**File #:** 06813, **Version:** 2

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### Fiscal Note

No expenditure of City funds is required.

### Title

AMENDED - Vacating a remaining portion of an unimproved public alley right-of-way, one rod (16.5 feet) in width, dedicated by the subdivision plat of Hoyts Subdivision of Outlot No. 3 in the University Addition to Madison, and located adjacent to and reversion rights to, Lots 8-17 (inclusive), being located in part of the Southwest 1/4 of the Northwest 1/4 of Section 23, Town 07 North, Range 09 East, City of Madison, Dane County, Wisconsin. (4th AD)

### Body

**WHEREAS**, the Plat of "Hoyts Subdivision of Outlot No 3 in the University Addition to Madison" was recorded April 28, 1855 in Volume A of Plats on Page 12 as Document No. 113, Dane County Registry; and

**WHEREAS**, the Plat of "Hoyts Subdivision of Outlot No 3 in the University Addition to Madison" dedicated a one rod (16.5 feet) wide public alley, from Dayton Street (now West Dayton Street) South to the former Illinois Central Railroad Company (now owned by Wisconsin Department of Transportation-Bureau of Rails and Harbors and containing the Southwest Commuter Bike Path); and

**WHEREAS**, the City of Madison vacated the North 150 feet of this alley by Resolution No. 7256. File Number 4600-33 on June 11, 1964; and

**WHEREAS**, the City of Madison filed on June 4, 1964 the related alley vacation Lis Pendens as Document No. 1103889 with the Dane County Register of Deeds; and

**WHEREAS**, the City of Madison filed on July 31, 1964 the related alley vacation Resolution as Document No. 1108588 with the Dane County Register of Deeds; and

**WHEREAS**, the University of Wisconsin-Madison Regents are an adjacent owner of the abutting property at 801 West Dayton Street, with legal reversionary interest, of the proposed public alley vacation area; and

**WHEREAS**, Madison Gas & Electric are an adjacent owner of the abutting two properties at 108 and 110 North Murray Street, with legal reversionary interest, of the proposed public alley vacation area; and

**WHEREAS**, University of Wisconsin-Madison Regents, the owner of said abutting property, petitioned by their Facilities Planning & Management Director Gary A. Brown, to the City of Madison to vacate/discontinue a portion of remaining public alley to accommodate the proposed Dayton Street Residence Hall PUD on the property at 801 West Dayton Street; and

**WHEREAS**, City of Madison Engineering Division has created Project No. 53B0498-W Dayton St-Southwest Bike Path Public Alley Vacation; and

**WHEREAS**, the City Of Madison has not improved the proposed vacated public alley right-of-way area with any public alley pavement, nor does the City have plans for future public alley improvements within the proposed vacated/discontinued public alley right-of-way; and

**WHEREAS**, the City Of Madison Engineering Division does not have any public water main, public sanitary sewer, public storm sewer facilities or public surface drainage rights within the proposed alley vacation right-of-way area; and

**WHEREAS**, the abutting Wisconsin Department of Transportation Bureau of Rails and Harbors owned former Illinois Central Railroad Company Corridor abuts the proposed vacated public alley right-of-way area, but does not have legal reversionary rights; and

**WHEREAS**, the City Of Madison Engineering Division supports the vacation/discontinuance of this remaining public alley right-of-way.

**NOW THEREFORE BE IT RESOLVED**, that the City Of Madison hereby conditionally discontinues and vacates the unimproved public alley right-of-way, one rod (16.5 feet) in width, dedicated by the subdivision plat of Hoyts Subdivision of Outlot No 3 in the University Addition to Madison, and located adjacent to and reversion rights to, Lots 8-17 (inclusive), being located in part of the Southwest 1/4 of the Northwest 1/4 of Section 23, Town 07 North, Range 09 East, City of Madison, Dane County, Wisconsin under WI Ss 66.1003(2) as shown on map identified as Exhibit "A" and part of this resolution.

**NOW THEREFORE BE IT FURTHER RESOLVED**, under Section 80.32(4), Wisconsin Statutes, any existing easements or incidental rights within the vacated portion of this platted public alley are perpetuated as part of this vacation.

**NOW THEREFORE BE IT FURTHER RESOLVED**, under Section 66.1005(1), Wisconsin Statutes, reversionary rights of the portion of vacated ~~Ravine Street~~ public alley right-of-way will attach entirely to the adjacent platted Lots 8-17, Hoyts Subdivision of Outlot No 3 in the University Addition to Madison; 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 public alley, the City of Madison Assessor's Office will include the vacated lands with the following City of Madison parcels and the respective owners:

University of Wisconsin Regents  
801 W. Dayton Street  
251/0709-232-2501-9

Madison Gas & Electric  
108 N. Murray Street  
251/0709-232-2537-4

Madison Gas & Electric  
110 N. Murray Street  
251/0709-232-2540-7

**NOW THEREFORE BE IT FURTHER RESOLVED**, that the City Clerk validate this street vacation by recordation with the Dane County Register of Deeds.