



## Legislation Text

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File #: 22684, Version: 2

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### Title

SUBSTITUTE resolution Vacation/Discontinuance of a portion of Swanson Street from Anderson Street to the north terminus and a portion of Grimm Street north of Anderson Street, being located in part of the Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 30, and part of the Northeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 31, Town 08 North, Range 10 East, City of Madison, Dane County, Wisconsin. (17th AD)

### Body

**WHEREAS**, on April 21, 2009 the City of Madison Common Council adopted RES-09-00375 approving the street name change of Grim Street to Grimm Street correctly representing last name spelling in honor of Clarence "Bud" Grimm Jr. who died during World War II representing our country with the U.S. Army Air Force; and

**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 portions of Grimm 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 Swanson Street over this previously dedicated Swanson Street right-of-way; 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 Grimm Street over the previously dedicated Grimm Street right-of-way apparently on the same centerline alignment; and

**WHEREAS**, the City of Madison accepted two Easements for Public Highway purposes recorded in Volume 14,241, Pages 22-23 as Document Number 2201892 and Volume 14,241, Pages 31-32 as Document Number 2201896 that included additional public street easement rights expanding the right-of-way portions for both Grimm Street and Swanson Street; and

**WHEREAS**, the Dane County Regional Airport has proposed a redevelopment plan that includes the vacation of all remaining Swanson Street and a portion of Grimm Street north of Anderson Street. A copy of the Air Park Site Development redevelopment concept plan sheet C-021 prepared by Mead & Hunt for Dane County Regional Airport is attached hereto and made part of this resolution; and

**WHEREAS**, in order to accommodate such plans, Dane County has requested that the City of Madison vacate and relocate portions of Grimm Street and the vacate the entire remaining portion of Swanson Street; and

**WHEREAS**, Dane County is the adjacent owner of all lands abutting the proposed vacation areas and retain sole legal reversionary interests of the same; and

**WHEREAS**, Dane County will enter into a Private Subdivision Contract Agreement with the City of Madison to facilitate all necessary public infrastructure associated with their proposed redevelopment plan, including the relocation of Grimm Street; and

**WHEREAS**, Dane County and Dane County Regional Airport will record a new Certified Survey Map to facilitate the dedication of additional Grimm Street public right-of-way to allow for the relocation, as well as create any additional public land interests rights needed by the City of Madison; and

**WHEREAS**, City of Madison Engineering Division has created Project No. 53W1230 - Grimm Street Relocation / Vacation Swanson Street Vacation for vacating these street segments, accepting dedication of new Grimm Street by Certified Survey Map, and administering the reconstruction of all related public works improvements associated with the relocation of Grimm Street; 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 affected by this proposed vacation right-of-ways and all necessary public easement rights will be retained within the vacated areas as part of this resolution; and

**WHEREAS**, the City of Madison Planning Division, Engineering Division, Fire Department and Streets Division support the vacation/ discontinuance of these right-of-ways conditioned upon Dane County entering into a Private Subdivision Contract Agreement for the construction of public works improvements, recording of the new Certified Survey Map dedicating necessary Grimm Street right-of-way as well as other public interests required, and building a satisfactory public fire lane access from relocated Grimm Street to the existing Omnipress facility located at 2600-2602 Anderson Street.

**NOW THEREFORE BE IT RESOLVED**, that the City Of Madison hereby conditionally discontinues and vacates the remaining portion of Swanson Street from Anderson Street to the north terminus and a portion of Grimm Street north of Anderson Street, being located in part of the Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 30, and part of the Northeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 31, 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

**NOW THEREFORE BE IT FURTHER RESOLVED**, under Section 80.32(4), Wisconsin Statutes, any existing easements or incidental rights within the vacated street areas are perpetuated as part of this vacation, together with permanent access, construction and maintenance easements retained over the entire vacated 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 vacated portions of Grimm and Swanson Street public right-of-ways will attach entirely to the adjacent Dane County owned properties; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, following adoption of this resolution, public street improvements, including the closure of Swanson Street and relocated Grimm Street, shall be completed at the sole cost to Dane County / 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 / Dane County Regional Airport shall provide at their sole cost, topographic survey information in accordance with Engineering Appendix A to allow City Engineering staff to prepare public works improvement plans to facilitate this redevelopment request by Dane County regional Airport; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, following adoption of this resolution and the City Clerk recording said resolution with the Dane County Register of Deeds, effectively conveying title of the vacated street right-of-ways to Dane County, the City of Madison Assessor's Office will include the vacated lands with

the adjacent properties owned by Dane County; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, that Dane County shall coordinate with Engineering Mapping any required address changes for properties currently addressed to Swanson Street; and

**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**, that the City Engineering Division shall administer the Private Subdivision Contract Agreement and public works improvements. All public works improvements shall be completed to the satisfaction of the City Engineer prior to the final legal binding recording of this resolution with the Dane County Register of Deeds; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, upon recording of this resolution, Dane County shall then record the Certified Survey Map necessary to dedicate the new Grimm Street right-of-way, as well as create any new public easements required, and memorialize all existing public easements retained by this vacation resolution, to facilitate the proposed Air Park Site Development concept redevelopment plan; and

**NOW THEREFORE BE IT FINALLY RESOLVED**, that all supplemental exhibits attached to Legistar and made part of this resolution shall be attached by the City Clerk to the final resolution that is to be recorded with the Dane County Register of Deeds.

**NOW THEREFORE BE IT FURTHER RESOLVED**, that the Dane County Airport shall construct a gravel driveway along the north side of Anderson Street east of existing Swanson Street currently proposed to be vacated by the city per Legislative File ID 22,684. Dane County must also install a fence gate at this location on the existing perimeter fence. City of Madison Engineering Division Operations and Maintenance vehicles are able to drive on the existing grass surface within the airport. This city access is necessary to service and maintain SAS 5830-002, 5830-003, 5830-004 & 5830-005. Maps depicting the gravel driveway and gate locations to be installed by Dane County are attached hereto and made part of this resolution.

#### **Fiscal Note**

No expenditure of City funds is required.