



## Legislation Text

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**File #:** 01801, **Version:** 1

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### Fiscal Note

No City Funds Required.

### Title

Vacate/discontinue Kelab Drive, formerly known and platted as Hilldale Drive by the Kelab Replat, from Segoe Road to the northeasterly terminus, in the City of Madison, Wisconsin. (11th AD)

### Body

**WHEREAS**, Hilldale Drive was platted by Kelab Replat being part of the Southeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 20, Town 07 North, Range 09 East, City of Madison, Dane County, Wisconsin; and

**WHEREAS**, on December 8, 1960, the City of Madison Common Council adopted Ordinance No. 1097, File No. 5055-7 changing the platted name of Hilldale Drive to Kelab Drive; and

**WHEREAS**, Kelab Drive is a public street right-of-way for only approximately 125 feet into the Hilldale Center properties before it changes to a private internal street serving only the Hilldale Center; and

**WHEREAS**, the Kelab Drive right-of-way proposed to be vacated/discontinued does not contain any City of Madison owned public utilities; and

**WHEREAS**, Hilldale Building Company, LLC presented and received Common Council approval of a Planned Unit Development (PUD) at 702 N. Midvale Blvd per Enactment No. ORD-05-00021, File I.D. No. 00432 adopted February 1, 2005 and enacted February 24, 2005; and

**WHEREAS**, Hilldale Building Company, LLC presented a Certified Survey Map in conjunction with the adopted PUD to the Common Council and received approval of said Certified Survey Map per Enactment No. RES-05-00606, File I.D. No. 01501 adopted July 5, 2005 and enacted July 7, 2005; and

**WHEREAS**, City of Madison Common Council approved plans and specifications for public improvements necessary for the project known as 702 N. Midvale Boulevard PUD (Hilldale Center) and authorized construction to be undertaken by the Developer, Private Contract No. 2029 per Enactment No. RES-05-0388, File I.D. No. 00926 adopted April 19, 2005 and enacted April 25, 2005; and

**WHEREAS**, Kelab Drive has two abutting property owners: Hilldale Land Company, LLC and Hilldale State Bank Building, both requesting the City of Madison to vacate/discontinue said Kelab Drive; and

**WHEREAS**, reversionary rights will occur pursuant to Wisconsin Statutes, with subsequent sale agreements between both abutting parties at their chosen discretion; and

**WHEREAS**, the area to be vacated is shown on an attached PDF map; and

**WHEREAS**, the proposed Certified Survey Map is shown on an attached PDF for reference;

**NOW THEREFORE BE IT RESOLVED**, Pursuant to Sec. 66.1003(3), Wisconsin Statutes, the City of Madison, upon receipt of written petition from both abutting property owners, and subsequent PUD, Certified Survey Map and public improvement approvals, declares it is in the public interest to vacate/discontinue the following:

Hilldale Drive as dedicated on Kelab Replat being part of the SE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 20, T7N R9E, City of Madison, Dane County, Wisconsin, to-wit.

Beginning at the Southeast corner of Lot 12, of said Kelab Replat also the northeast corner of Hilldale Drive; thence along the easterly line of the said Kelab Replat, S40°10'40"E, 70.33 feet; to the southerly line of Hilldale Drive and a point on a curve; thence along said southerly line, southwesterly along a curve to the right which has a radius of 215.00 feet and a chord which bears S36°46'20"W, 97.43 feet; thence S49°52'04"W, 10.00 feet to a point of curve; thence southwesterly along a curve to the left which has a radius of 15.00 feet and a chord which bears S04°51'48"W, 21.21 feet to the easterly line of Segoe Road; thence along said easterly line, N40°07'56"W, 90.00 feet to a point of curve; thence southeasterly

along a curve to the left which has a radius of 15.00 feet and a chord which bears S85°07'560"E, 21.21 feet to the northerly line of Hilldale Drive; thence along the said northerly line, N49°52'04"E, 10.00 feet to a point of curve; thence northeasterly along a curve to the left which has a radius of 155.00 feet and a chord which bears N31°00'21'E, 100.22 feet to the point of beginning. This parcel contains 7,584 sq. ft. - 0.17 acres.

This legal description was drafted by:  
Arnold and O'Sheridan, Inc.  
July 13, 2005  
Job # 050193

**NOW THEREFORE BE IT FURTHER RESOLVED**, Under Section 80.32(4), Wisconsin Statutes, any existing public or private easement or incidental rights within the vacated rights-of-way are perpetuated, unless specifically released as part of this vacation.

This street vacation/discontinuance, upon adoption, shall be recorded with the Dane County Register of Deeds by the City Clerk.