



## Legislation Text

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**File #:** 60496, **Version:** 1

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### Fiscal Note

No City appropriation required.

### Title

Authorizing the execution and acceptance of quit claim deeds to correct the boundaries of land owned by the Madison Water Utility at 2023 Wheeler Road, Town of Burke; authorizing the City to cooperate in the re-division of the Madison Water Utility lands; and authorizing the Mayor and City Clerk to execute a petition to attach the subject lands to the City.

### Body

WHEREAS the Madison Water Utility is the owner in fee simple of two parcels of land totaling 32,840 square feet (0.75 acres), more or less, and generally addressed as 2023 Wheeler Road in the Town of Burke ("Town"), which contain a former well and reservoir owned and operated by the former Burke Utility District 1; and

WHEREAS the land was conveyed to the Madison Water Utility by a quit claim deed executed by the Town on March 18, 2009 and recorded at the Dane County Register of Deeds as Document No. 4546991, in accordance with stipulations in the 2007 Final Town of Burke, Village of Deforest, City of Sun Prairie and City of Madison Cooperative Plan ("the Plan"), and as approved by the Common Council on April 22, 2008 as Resolution 08-00414 (ID 09592); and

WHEREAS the Madison Water Utility parcels were previously conveyed to the Town by Cherokee Park, Inc. (hereinafter "CPI"); and

WHEREAS the legal descriptions of the original conveyances to the Town and later to the City of Madison ("City"), contained minor errors that cause the boundaries of the two Madison Water Utility parcels to not correctly represent the land owned and occupied by the City; and

WHEREAS CPI as owner of the lands adjacent to the Water Utility parcels, has filed a petition to attach their lands to the City in accordance with the requirements for immediate attachments in the Plan; and

WHEREAS the attachment petition should contain a correct description of the lands owned by the petitioner; and

WHEREAS the City wishes to correct the boundaries of its property, which includes land occupied by a detached garage serving a residence at 2021 Wheeler Road in the Town that should be disposed to the owner of said parcel, and land included in the CPI description by error that was supposed to be owned by the Madison Water Utility pursuant to the 2009 acquisition; and

WHEREAS the City endeavors to annex or attach properties it owns into its corporate limits whenever practical;

NOW THEREFORE BE IT RESOLVED that the Office of Real Estate Services is authorized to prepare a quit claim deed or other instrument as approved by the City Attorney to convey a portion of the Madison Water Utility property at 2023 Wheeler Road to the owner of the parcel at 2021 Wheeler Road to cause said owner's

accessory building to be located entirely on his/her property.

BE IT FURTHER RESOLVED that the City is authorized to accept a quit claim deed or other instrument as approved by the City Attorney from CPI conveying certain lands south of the Madison Water Utility parcels necessary to correct the boundary intended by the previous conveyances.

BE IT FURTHER RESOLVED that the City may participate in a subdivision or land division of the CPI lands by CPI, including the creation of a lot or outlot comprising the final boundary of the Madison Water Utility parcel(s) following the aforementioned conveyances to and by the City.

BE IT FURTHER RESOLVED that the Mayor and the City Clerk are authorized to execute the attachment petition, all documents related thereto to cause the Madison Water Utility property to be attached to the City from the Town in accordance with the Plan, and the aforementioned subdivision or land division for the Madison Water Utility lands included within the land division boundary.