



## Legislation Text

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**File #:** 54543, **Version:** 1

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### Fiscal Note

The proposed resolution authorizes removal of an Official Map Reservation located on the property addressed as 701-703 Rethke Avenue pursuant to the development of the property. City of Madison Engineering, Traffic Engineering, and other agencies have reviewed the applicant's request and recommend removal of the Reservation Area from the City of Madison Official Map for proposed streets, highways, and parkways. No City appropriation required.

### Title

Amending the official map of the City of Madison to remove an Official Map Reservation located on the property addressed as 701-703 Rethke Avenue; 15th Ald. Dist.

### Body

WHEREAS, Mark Plavcan, owner of "Twisted Fitness" (hereinafter "the Applicant") has made an application with the Department of Planning and Community and Economic Development to demolish a building located on property addressed as 703 Rethke Avenue, being part of Outlot 58 of Burke Assessors Plat No. 1; and

WHEREAS the Applicant wishes to construct a one-story, 14,000 square-foot health/personal fitness facility on a 1.03-acre property addressed as 701 and 703 Rethke Avenue (hereinafter "the Property"); and

WHEREAS, the City of Madison Common Council adopted Ordinance No. 2091 on August 11, 1966, establishing the Official Map for the portion of the City located in the Southeast 1/4 of Section 32, Township 08 North, Range 10 East; and

WHEREAS said Official Map sheet shows a 66-foot wide street reservation across Outlot 58 of Burke Assessors Plat No. 1 for the purposes of extending Burke Avenue to Rethke Avenue from its current western terminus approximately 175 feet west of Pinecrest Drive, said reservation encumbering the center of the Property ("the Reservation Area") as shown on Exhibit A attached hereto and made part of this resolution; and

WHEREAS, the Project as proposed contemplates site improvements that would lie within the currently officially mapped Reservation Area as generally shown on Exhibit B, attached hereto and made part of this resolution; and

WHEREAS, the Applicant requests that the Official Map be amended to eliminate the Reservation Area across the Property; and

WHEREAS, the City of Madison Engineer and City of Madison Traffic Engineer, in coordination with other City of Madison Agencies and Staff, have reviewed the Applicant's request, and after consideration of the City's needs for Streets, Highways and Parkways within this area of the City, recommend removal of the Reservation Area from the City of Madison Official Map for Proposed Streets, Highways, and Parkways. This removal shall be contingent upon the Applicant granting a Permanent Limited Easement for Public Pedestrian and Bicycle Purposes to the City of Madison to allow a public sidewalk or path to be extended across the Property from Rethke Avenue to connect to a future sidewalk or path on Burke Avenue east of the Property; and

WHEREAS, this required grant of easement to the City shall, subject to approval of a demolition permit by the

City's Plan Commission, occur prior to the issuance of any permits to demolish, raze or remove 703 Rethke Avenue and construct a building on the Property; and

WHEREAS notice of this amendment has been provided pursuant to the requirements under Wisconsin Statutes Sec. 62.23(6) and Section 16.25(6) of Madison General Ordinances;

NOW THEREFORE BE IT RESOLVED, the City Of Madison hereby conditionally amends the City of Madison Official map, removing those lands reserved for Proposed Streets, Highways, and Parkways as shown on attached map Exhibit A under Section 16.25(6) of Madison General Ordinances and under Wis. Stats. ss. 62.23(6)(c). The Official Map Amendment shall be valid and effective upon the satisfaction of the following conditions:

1. Prior to the issuance of any permits to demolish, raze or remove 703 Rethke Avenue and construct a building on the Property, the Applicant shall grant, at no cost to the City of Madison, a Permanent Limited Easement for Public Pedestrian and Bicycle Path Purposes as generally shown on the attached Exhibit A. The conditions and restrictions for the easement shall be as approved by the City of Madison Engineer and drafted by the Office of Real Estate Services. The Applicant shall pay any administrative fees and provide any documentation required by the City of Madison Engineer or Office of Real Estate Services to administer the grant of said Easement to the City of Madison.
2. That, if required by the City Engineer, the Applicant shall construct a sidewalk or path within said Easement according to plans approved by the City Engineer. The applicant hereby agrees to enter into any agreements or obtain any permits to construct the sidewalk or path as required by the City Engineer.

BE IT FURTHER RESOLVED that the Common Council of the City of Madison hereby accepts the grant of the above required Permanent Limited Easement for Public Pedestrian and Bicycle Path Purposes from the Applicant.