



## Legislation Text

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File #: 57540, Version: 1

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### Fiscal Note

This relief from conditions of gifts and dedication, Outlots 24, 25, 28 and 29, Southern Addition to Birchwood Point containing 451,044 sq. ft. or 10.355 acres of area does not require expenditure of City funds.

### Title

Relief from conditions of gifts and dedication per Section 66.1025(1) Wisconsin Statutes, of Outlots 24, 25, 28 and 29, Southern Addition to Birchwood Point for the replatting a portion of the development, being located in the Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 29, Township 7 North, Range 8 East, City of Madison, Dane County, Wisconsin. (9th AD)

### Body

**WHEREAS**, the plat of Southern Addition to Birchwood Point was conditionally approved by the City of Madison Common Council by Enactment Number RES-18-00303, File I.D. Number 50229, as adopted on the 10th of April, 2018 and the said Enactment provided for the acceptance of the lands dedicated for public street right-of-ways; and

**WHEREAS**, the plat of Southern Addition to Birchwood Point was subsequently recorded upon the satisfaction of the conditions of approval on the 5th of September, 2018 in Volume 60-098A of Plats on pages 537 - 542, as Document Number 5439003, Dane County Register of Deeds; and

**WHEREAS**, an application was made with the Department of Planning & Community & Economic Development for a preliminary and final plat of Western Addition to 1000 Oaks replatting a portion of the plat of Southern Addition to Birchwood Point along with other adjacent lands acquired by the Developer. The proposed plat will reconfigure the Lots, Outlots and streets in a more efficient manner; and

**WHEREAS**, the said plat of Western Addition to 1000 Oaks was conditionally approved by the City of Madison Common Council by Enactment Number RES-19-00508, File I.D. Number 55906, as adopted on the 2nd of July, 2019; and

**WHEREAS**, the conditionally approved Western Addition to 1000 Oaks alters the configuration of the Outlots previously dedicated by to the public by Southern Addition to Birchwood Point as described in attached Exhibit B. Therefore the configuration of the proposed plat requires the said Outlots be relieved from the existing conditions of gifts and dedication and subsequently conveyed back to the dedicator (or the heirs of the dedicator) for re-platting; and

**WHEREAS**, the configuration of the conditionally approved Western Addition to 1000 Oaks provides the required areas to be dedicated to the public for public stormwater management and drainage facilities and also the area required for Public Park Purposes; and

**WHEREAS**, D'Onofrio Kottke and Associates Inc., has prepared maps (Exhibit A) and a legal description (Exhibit B) delineating the Outlots to be relieved from the conditions of gifts and dedication and subsequently conveyed to the dedicator (or the heirs of the dedicator). Said Exhibits being attached hereto and made part of this resolution; and

**WHEREAS**, the City Engineering Division recommends approval of the relief from conditions of gifts and dedications and the subsequent conveyance of said lands described in attached Exhibit B for re-platting as part of the conditions of approval for Western Addition to 1000 Oaks, subject to conditions as noted herein.

**NOW THEREFORE BE IT RESOLVED**, that since the current dedication of the lands shown on Exhibit A and described in attached Exhibit B are impracticable due to the conditionally approved plat of Western Addition to 1000 Oaks, the City of Madison hereby relieves the lands from all existing conditions of gifts and dedications encumbering the lands and shall convey those lands to the dedicator (or the heirs of the dedicator), the lands being shown and described on the attached maps (Exhibit A) and legal description (Exhibit B), under Wisconsin ss.66.1025(1), upon completion of the following conditions:

- The Developer of Western Addition to 1000 Oaks shall enter into any agreement(s) required by the City of Madison in conjunction with the approval of the proposed development of Western Addition to 1000 Oaks.
- The conditions of approval for the preliminary and final plat for the Western Addition to 1000 Oaks shall be addressed to the satisfaction of the City of Madison Engineer.

**BE IT FINALLY RESOLVED**, upon Common Council adoption of this resolution and completion the conditions identified above to the satisfaction of the City Engineer, the City Engineer shall then authorize the City Of Madison Office of Real Estate Services Division of the Economic Development Division make effective this Relief From Conditions of Gifts and Dedication by recording an appropriate deed conveying the lands to the dedicator (or the heirs of the dedicator) as shown and described on the attached maps (Exhibit A) and legal description (Exhibit B) with the Dane County Register of Deeds.