



Legislation Text

File #: 25203, **Version:** 1

Fiscal Note

No significant fiscal impact is anticipated. Deeding the property back to the grantor would result in savings in litigation costs. Once the parcel is back on the tax rolls, a minor increase in tax revenue is anticipated.

Title

Authorizing the Execution of a Quit Claim Deed for 5203 Harbor Court to Constance Dougherty.

Body

WHEREAS, the City of Madison acquired Lot 9 of Block One Spring Harbor (the property located at 5203 Harbor Court) from Constance and Harold Dougherty on November 21, 1974 by dedication with the express condition that the “dedication is made for park purposes and in case said real estate should cease to be used for park purposes that the same is to revert to the grantor or his heirs,” with the apparent intent that the City’s Parks Department/Division would use this Lot to beautify the court end to make it more usable by the neighborhood; and,

WHEREAS, since the acquisition of Lot 9 the City has had little, if any, active role in the use or development of Lot 9, and that, beginning at least no later than 1984, the property owner at 5209 Harbor Court, Jon Grefsheim, has been planting, cultivating and maintaining the Lot in a manner that may allow him to satisfy a claim of adverse possession of the City’s Lot; and,

WHEREAS, due to the terms of the initial deed, the City may not sell, lease or allow the non-park use of Lot 9 by Mr. Grefsheim, and the ongoing use of the property by Mr. Grefsheim in this manner has caused the City to violate the terms of the initial dedication, exposing the City to a suit for specific performance or reversion of title; and,

WHEREAS, Mr. Grefsheim and Mrs. Dougherty have reached an agreement regarding Lot 9 in which upon being granted the property back pursuant to the terms of the initial dedication Mrs. Dougherty will convey the property to Mr. Grefsheim, thereby resolving all claims regarding the property.

NOW THEREFORE BE IT RESOLVED, that the City of Madison is hereby authorized to grant Lot 9 of Block One Spring Harbor, the property located at 5203 Harbor Court, back to the initial grantor, Constance Dougherty, pursuant to the terms of the initial dedication that required the property to be used for park purposes only.

NOW THEREFORE BE IT FURTHER RESOLVED, that the Office of Real Estate Services is authorized to execute a quit claim deed on behalf of the City, on a form and in a manner that has been approved by the City Attorney.