



## Legislation Text

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File #: 28060, Version: 1

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### Fiscal Note

No expenditure of City funds is required.

### Title

Vacation/Discontinuance of a portion of South Few Street as originally platted by the Madison Original Plat (adjacent to Block 179), adjacent to the property at 714 S. Few St., which is located in part of the Southwest one-quarter (1/4) of Section 7, Town 7 North, Range 10 East, City of Madison, Dane County, Wisconsin. (6th AD)

### Body

**WHEREAS**, in the last year the City discovered that the property at 714 S. Few St., located at the Lake Monona end of the street, has a boathouse encroaching into right-of-way; and

**WHEREAS**, after research of the City's records by the City Attorneys Office, it has concluded that the boat house was built prior to 1944, and therefore the City Attorney believes the property owner has been able to establish adverse possession claims of this portion of the right-of-way and supports vacation of the same; and

**WHEREAS**, further investigation by the City revealed that the property also has what now amounts to a private yard also encroaching into the right-of-way; and

**WHEREAS**, based upon City Attorneys Office review of the private yard encroachment, unlike with the boat house, the property owner has not established adverse possession claims for the yard encroachment portion; and

**WHEREAS**, given the fact specific nature of the yard encroachment, the long term use of the private yard, and what appears to be a complete lack of utility of this piece of right-of-way for the City, the City Attorneys Office supports vacation of this yard encroachment portion as well; and

**WHEREAS**, the City Engineer supports the vacation of both the boat house and yard encroachment portions; and

**WHEREAS**, the Thom R. Grenlie Survey Plat Map, Map No. 2802-L dated August 2, 2012 is attached hereto and made part of this resolution which depicts the "Subject Area A to be Vacated"; and

**WHEREAS**, although the adoption and recording of this street vacation is sufficient for the adjacent property owner to secure the statutory reversion interests, the property owner has paid the required \$500 administrative fee for the Office of Real Estate Services to prepare and record a quit claim deed of the same to better memorialize this process in the public record; and

**WHEREAS**, the City of Madison Office of Real Estate Services received payment of the required \$500 fee and has established Real Estate Project No. 10012 to administer the quit claim deed to the adjacent property owner upon adoption of this resolution.

**NOW THEREFORE BE IT RESOLVED**, that the City Attorneys Office's findings and conclusions regarding the vacation of this piece of the S. Few St. right-of-way, as set forth in the attached Memorandum dated October

22, 2012, are adopted by the Common Council and incorporated herein by reference; and,

**NOW THEREFORE BE IT RESOLVED**, that the City Of Madison hereby conditionally discontinues and vacates the portion of South Few Street as originally platted in Madison Original Plat, adjacent to 714 S. Few St. being located in part of the Southwest one-quarter (1/4) of Section 7, Town 7 North, Range 10 East, City of Madison, Dane County, Wisconsin, under WI Ss 66.1003(2); and

**NOW THEREFORE BE IT RESOLVED**, the Thom R. Grenlie Survey Plat Map, Map No. 2802-L dated August 2, 2012 is attached hereto and made part of this resolution which depicts the "Subject Area A to be Vacated" and upon adoption of this resolution, the Grenlie Map shall be recorded by the City Clerk with a certified copy of the resolution with the Dane County register of Deeds; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, under Section 80.32(4), Wisconsin Statutes, any existing recorded public easements or incidental rights within the vacated street areas are perpetuated as part of this vacation, together with permanent access, construction and maintenance easements retained over the entire vacated street areas for perpetual public infrastructure rights relative, but not limited to, existing public storm sewer and drainage, sanitary sewer, water main and any potential future need for re-establishment of public street; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, under Section 66.1005(1), Wisconsin Statutes, reversionary rights of the vacated portion of South Few Street public right-of-way will attach entirely to the adjacent Richard E. Goodkin owned property at 714 S. Few Street (251/0710-073-0704-6); and

**NOW THEREFORE BE IT FURTHER RESOLVED**, following adoption of this resolution and the City Clerk recording said resolution with the Dane County Register of Deeds, effectively conveying title of the vacated street right-of-ways to abutting properties, the City of Madison Assessor's Office will include the vacated lands with the adjacent property; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, that all supplemental exhibits attached to Legistar and made part of this resolution shall be attached by the City Clerk to the final resolution that is to be recorded with the Dane County Register of Deeds.

**NOW THEREFORE BE IT FINALLY RESOLVED**, that upon the City Clerk recording the final resolution with the Dane County Register of Deeds, the City Office of Real Estate Services (RE 10012) shall prepare and record with the Register of Deeds a quit claim deed of the vacated area to the abutting property owner, Richard E. Goodkin at 714 S. Few Street.