



## Legislation Text

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File #: 36129, Version: 1

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### Fiscal Note

This vacation and discontinuance of approximately 2,268 sq. ft. of Winnebago Street being a public right-of-way stub extending northeasterly from the roundabout intersection of Winnebago Street and South Sixth Street for transfer to the adjacent land owner to facilitate the future development of the site. No expenditure of City funds required.

### Title

Discontinuing and vacating of a portion of the Winnebago Street public right-of-way being a stub extending northeasterly from the roundabout located at the intersection of Winnebago Street and South Sixth Street to the current northeasterly terminus, being located in the Northeast 1/4 of the Southeast 1/4 of Section 6, Town 7 North, Range 10 East, City of Madison, Dane County, Wisconsin. (6th AD)

### Body

**WHEREAS**, on January 17, 2006, File ID Number 00220, the Common Council conditionally approved a rezoning request to Planned Unit Development Plan-General Development Plan (PUD-GDP) for a future residential and commercial development, hereinafter referred to as the Union Corners Project; and

**WHEREAS**, in conjunction with the Union Corners Project, Winnebago Street was relocated and dedicated to the public by Certified Survey Map Number 11774, which was recorded May 26, 2006, in Volume 72 of Certified Survey Maps, Pages 134-139, as Document No. 4196068, Dane County Registry; and

**WHEREAS**, on March 20, 2007, ORD-07-00034, File ID Number 04682, the Common Council conditionally approved a rezoning request to Amend the Union Corners PUD-GDP and also rezone to Planned Unit Development - Specific Implementation Plan (PUD-SIP) for residential and commercial development of the Union Corners Project; and

**WHEREAS**, the original Union Corners Project was never constructed or completed by the developer as conditionally approved by the Union Corners PUD-GDP and PUD-SIP; and

**WHEREAS**, the City of Madison acquired the Union Corners properties with Land Banking Funds on December 3, 2010 as recorded by Special Warranty Deed recorded as Document Number 4721138, Dane County Registry; and

**WHEREAS**, on May 20, 2014, per ORD-14-103, File ID Number 33596, the Common Council conditionally approved a rezoning request by Gorman & Company, Inc. to amend the Union Corners Planned Unit Development to Planned Development District-General Development Plan (PD-GDP) to include various medical offices, retail, mixed-use and residential buildings; and

**WHEREAS**, on July 16, 2013 per RES-13-00541, File ID Number 29351, the Common Council authorized the execution of a Purchase and Sale Agreement to be executed between the City of Madison and Gorman & Company, Inc. for the future purchase and redevelopment of the Union Corners properties by Gorman & Company, Inc.; and

**WHEREAS**, on October 7, 2014, ORD-14-00154, File ID Number 35008, the Common Council conditionally approved a rezoning request to change the zoning generally addressed as 2504 Winnebago Street from

Planned Development District- General Development Plan (PD-GDP) to Planned Development District - Specific Implementation Plan (PD-SIP) for a future medical clinic at the Union Corners Project; and

**WHEREAS**, on October 21, 2014 per RES-14-00762, File ID Number 35737, the Common Council authorized the execution of a First Amendment to the Purchase and Sale Agreement to be executed between the City of Madison and Gorman & Company, Inc. for the future purchase and redevelopment of the Union Corners properties by Gorman & Company, Inc.; and

**WHEREAS**, per the conditionally approved PD-GDP and PD-SIP rezoning applications by Gorman & Company, Inc., a portion of the Winnebago Street public right-of-way is proposed to be vacated and discontinued and incorporated into the proposed development project; and

**WHEREAS**, a condition of approval for the PD-GDP and PD-SIP rezoning applications requires the application, approval and recording of a Certified Survey Map; and

**WHEREAS**, the Amended Sale and Purchase Agreement requires the City of Madison to secure the approval of the said Certified Survey Map prior to closing that includes the lands within the proposed right-of-way to be vacated and discontinued; and

**WHEREAS**, JSD Professional Services, Inc., has prepared the necessary Winnebago Street vacation and discontinuance map and legal description exhibits which are attached hereto and made part of this resolution; and

**WHEREAS**, the City Of Madison currently has existing public street, public sanitary sewer, public storm sewer and public street light-conduit facilities within the portion of Winnebago Street to be vacated and discontinued; and

**WHEREAS**, the City of Madison will not require the perpetuation for public use the existing public street, public storm sewer or public sanitary sewer improvements within the portion of Winnebago Street to be vacated and discontinued; and

**WHEREAS**, the City of Madison will require the temporary perpetuation for public use the public street light-conduit facilities located within the portion of Winnebago Street to be vacated and discontinued until such time they are relocated; and

**WHEREAS**, the City Engineering Division recommends approval of this street vacation and discontinuance subject to conditions of approval listed later in this resolution.

**NOW THEREFORE BE IT RESOLVED**, that since the public interest requires it, the City Of Madison hereby conditionally vacates and discontinues a portion of the public way of Winnebago Street as shown on attached map and legal description, under Wisconsin ss. 66.1003(4), upon completion of the following condition:

- All conditions of approval for the Certified Survey Map required by the Amended Sale and Purchase Agreement have been satisfied and approved and signed off by all applicable City of Madison Agencies.

**BE IT FURTHER RESOLVED**, that under Section 66.1005(2), the City Of Madison retains 10 foot wide temporary public easements centered upon and over the existing public street light-conduit facilities located within the portion of Winnebago Street to be vacated and discontinued. These easements shall terminate without notice upon the abandonment and/or relocation of the street light-conduit facilities outside of the

vacated and discontinued right of way.

**BE IT FURTHER RESOLVED**, that under Section 66.1005(2)(a)(1), the City Of Madison discontinues easements and rights in conjunction with the public storm sewer, public sanitary sewer and public street improvements within the portion of Winnebago Street to be vacated and discontinued. This resulting in the ownership, maintenance, removal and/or replacement of the abandoned public storm sewer, public sanitary sewer and public street improvements being vested in the owner(s) of the vacated and discontinued lands; and

**BE IT FURTHER RESOLVED**, under Section 66.1005(2), Wisconsin Statutes, other than those easements and rights retained and/or released above, any other existing easements and rights that exist within the vacated street areas shall continue as part of this vacation/discontinuance; and

**BE IT FURTHER RESOLVED**, under Section 66.1005(1), Wisconsin Statutes, reversionary rights of the portion of Winnebago Street herein vacated and discontinued shall attach entirely to the adjacent properties, being owned by the City of Madison; and

**BE IT FINALLY RESOLVED**, upon Common Council adoption of this resolution and completion all street vacation condition identified above to the satisfaction of the City Engineer, the City Engineer will then authorize the City Clerk to validate this street vacation/discontinuance by recording it with all supplemental map exhibits with the Dane County Register of Deeds, authorizing all City agencies to administer the appropriate workflows to complete and finalize all land record database updates.