



Legislation Details (With Text)

**File #:** 05674      **Version:** 1      **Name:** Vacating / Discontinuing portions of Sawyer Terrace and Frey Street and a public "walk" as platted by University Hill Farms Commercial Reserve Addition being located in part of the NE j of the NW j Section 20, T7N, R9E, City of Madison, Dane County, WI.

**Type:** Resolution      **Status:** Passed

**File created:** 2/14/2007      **In control:** BOARD OF PUBLIC WORKS

**On agenda:** 3/20/2007      **Final action:** 3/20/2007

**Enactment date:** 3/21/2007      **Enactment #:** RES-07-00351

**Title:** Vacating / Discontinuing portions of Sawyer Terrace and Frey Street and a public "walk" as platted by University Hill Farms Commercial Reserve Addition being located in part of the Northeast ? of the Northwest ? Section 20, Town 07 North, Range 09 East, City of Madison, Dane County, Wisconsin. 11th Ald. Dist.

**Sponsors:** Tim Gruber

**Indexes:**

**Code sections:**

**Attachments:** 1. Humana Site Plan 11-06-06.pdf, 2. SAWYERVACATIONrevised.pdf, 3. 05674 Register of Deeds recording.pdf, 4. 05674 memo.pdf

Date	Ver.	Action By	Action	Result
3/20/2007	1	COMMON COUNCIL	Adopt	Pass
3/19/2007	1	PLAN COMMISSION	Return to Lead with the Recommendation for Approval	Pass
3/7/2007	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
3/5/2007	1	PLAN COMMISSION	Re-refer	
2/27/2007	1	BOARD OF PUBLIC WORKS	Refer	
2/27/2007	1	COMMON COUNCIL	Refer	
2/14/2007	1	Engineering Division	Fiscal Note Required / Approval	
2/14/2007	1	Finance Dept/Approval Group	Approved Fiscal Note By The Comptroller's Office	
2/14/2007	1	Engineering Division	Referred for Introduction	

**Fiscal Note**

This transfer of various vacated public right-of-way to adjoining landowners to facilitate redevelopment of this site-Hilldale Center.

No expenditure of City funds.

**Title**

Vacating / Discontinuing portions of Sawyer Terrace and Frey Street and a public "walk" as platted by University Hill Farms Commercial Reserve Addition being located in part of the Northeast ¼ of the Northwest ¼ Section 20, Town 07 North, Range 09 East, City of Madison, Dane County, Wisconsin. 11th Ald. Dist.

**Body**

**PREAMBLE**

The developer, Hilldale Building Company LLC, a Wisconsin Limited Liability Company, By: JFA Management LLC, an Illinois Limited Liability Company, has received the City of Madison's approval for a Planned Unit Development (PUD) to demolish existing buildings and construct residential units, parking ramp and retail space at 702 North Midvale Boulevard.

The proposed Hilldale Center Development requests the vacation / discontinuance of a dead end cul-de-sac portion of Sawyer Terrace, a portion of Frey Street which is being realigned and also a 20 feet wide public "Walk" connection to University Avenue, both dedicated by the University Hill Farms~Commercial Reserve Addition, to facilitate the final development phase of the Hilldale Center project.

Development plans, previously approved by the City of Madison and copied as part of this resolution, require the vacation / discontinuance of portions of Sawyer Terrace and Frey Street and the public "walk". The approved plan also provides for adequate replacement public sidewalk connections throughout this development to replace the lost public walk connection by this vacation / discontinuance.

The City Of Madison has various existing public sanitary sewer, public storm sewer and public water main within the proposed vacated / discontinued right of ways. The owner in accordance with approved Private Contract No 2029 and Addendums will relocate these facilities. Temporary public easements for these facilities will be maintained within the vacated / discontinued Sawyer Terrace right-of-way until such time as the new facilities are built and on-line and the existing facilities can be abandoned or removed by the owner. At that time the temporary easements expire and are hereby considered released.

**NOW THEREFORE BE IT RESOLVED**, that the City Of Madison hereby conditionally discontinues and vacates portions of Sawyer Terrace and Frey Street and a public walk as platted by University Hill Farms~Commercial Reserve Addition being located in part of the Northeast ¼ of the Northwest ¼ Section 20, Town 07 North, Range 09 East, City of Madison, Dane County, Wisconsin under Wisconsin Statutes 66.1003(2) as shown on attached map and legal descriptions; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, under Section 66.1005(2)(a), Wisconsin Statutes, Whenever any public highway or public ground acquired or held for public purposes has been vacated or discontinued, all easements and rights incidental to the easements that belong to any county, school district, town, village, city, utility, or person that relate to any underground or overhead structures, improvements, or services and all rights of entrance, maintenance, construction, and repair of the structures, improvements, or services shall continue, unless one of the following applies:

1. The owner of the easements and incidental rights gives written consent to the discontinuance of the easements and rights as a part of the vacation or discontinuance proceedings and the vacation or discontinuance resolution, ordinance or order refers to the owner's written consent.
2. The owner of the easements and incidental rights fails to use the easements and rights for a period of 4 years from the time that the public highway or public ground was vacated or discontinued.

**NOW THEREFORE BE IT FURTHER RESOLVED**, as previously stated, the City Of Madison has various existing public sanitary sewer, public storm sewer and public water main within the proposed vacated / discontinued right of ways. The owner in accordance with approved Private Contract No. 2029 and Addendums will relocate these facilities. Temporary public easements for these facilities will be maintained within the vacated / discontinued Sawyer Terrace right-of-way until such time as the new facilities are built and on-line and the existing facilities can be abandoned or removed by the owner. At that time the temporary easements expire and are hereby considered released.

**NOW THEREFORE BE IT FURTHER RESOLVED**, that the City Clerk validate this street vacation, upon adoption, by recording with the Dane County Register of Deeds.