



Legislation Details (With Text)

File #: 25360 **Version:** 1 **Name:** Vacation/Discontinuance of a portion of Evan Acres Rd & a portion of Savannah Rd as platted in Blooming Grove Assessor's Plat No. 10, being located in the Northeast one-quarter (1/4) & the Southeast one-quarter (1/4) of Section 26, Town 7 North, Range 10

Type: Resolution **Status:** Passed

File created: 2/13/2012 **In control:** BOARD OF PUBLIC WORKS

On agenda: 4/10/2012 **Final action:** 4/10/2012

Enactment date: 4/12/2012 **Enactment #:** RES-12-00227

Title: Vacation/Discontinuance of a portion of Evan Acres Road and a portion of Savannah Road as platted in Blooming Grove Assessor's Plat No. 10, being located in the Northeast one-quarter (1/4) and the Southeast one-quarter (1/4) of Section 26, Town 7 North, Range 10 East, City of Madison, Dane County, Wisconsin. (16th AD)

Sponsors: Jill Johnson

Indexes:

Code sections:

Attachments: 1. EVAN ACRES_SAVANNAH VACATION.pdf, 2. Evan Acres Rd_Savannah Rd_Concept Reversions.pdf, 3. registered copy

Date	Ver.	Action By	Action	Result
4/10/2012	1	COMMON COUNCIL	Adopt	Pass
3/21/2012	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
3/19/2012	1	PLAN COMMISSION	Return to Lead with the Recommendation for Approval	Pass
2/28/2012	1	BOARD OF PUBLIC WORKS	Referred	
2/28/2012	1	COMMON COUNCIL	Referred	
2/13/2012	1	Engineering Division	Referred for Introduction	

Fiscal Note

No expenditure of City funds is required.

Title

Vacation/Discontinuance of a portion of Evan Acres Road and a portion of Savannah Road as platted in Blooming Grove Assessor's Plat No. 10, being located in the Northeast one-quarter (1/4) and the Southeast one-quarter (1/4) of Section 26, Town 7 North, Range 10 East, City of Madison, Dane County, Wisconsin. (16th AD)

Body

WHEREAS, in September 1998 the City of Madison and Ho-Chunk Nation entered into an Intergovernmental Service and Development Agreement for the placement of the new Bingo Hall and Gaming Facility on tribe owned lands in this vicinity; and

WHEREAS, the 1998 Intergovernmental Service and Development Agreement, which is attached hereto and made part of this resolution, contained numerous recitals and terms relating to the construction of necessary public infrastructure to serve this proposed development; and

WHEREAS, necessary street improvements that were to be completed by the Ho-Chunk Nation for existing Mill Pond Road, Evan Acres Road and Savannah Road were included in said agreement; and

WHEREAS, the Ho-Chunk Nation completed the necessary street improvements in accordance Common Council approved plans and specifications within City Contract No. 5078 / Engineering Project No. 53B0037; and

WHEREAS, the proposed street improvements completed in accordance with Common Council approved plans and specifications within City Contract No. 5078 / Engineering Project No. 53B0037 included the relocation of the existing Evan Acres Road and Savannah Road intersection to improve vehicular traffic circulation within the development; and

WHEREAS, the agreement and contract required additional public right-of-way be dedicated by the Ho-Chunk Nation to the City of Madison to facilitate the relocation of Evan Acres Road and Savannah Road prior to public acceptance of these street improvements; and

WHEREAS, the Ho-Chunk Nation completed the public street improvements, dedicated the necessary right-of-way to the City of Madison per Document No. 3135154, and the City of Madison accepted these public improvements; and

WHEREAS, per the terms of the 1998 Agreement, upon satisfactory completion and public acceptance of these relocated street improvements, the City of Madison was to vacate resultant surplus Evan Acres Road and Savannah Road right-of-ways; and

WHEREAS, the Ho-Chunk Tribe legal counsel has recently brought to the attention of various city departments that this street vacation resolution contained within the supplemental conditions of the 1998 Intergovernmental Agreement had never been completed by the City; and

WHEREAS, the City Engineering Division has determined that the Ho-Chunk Nation has completed all public street and infrastructure improvements and satisfied all conditions required for the city to move forward with this street vacation; and

NOW THEREFORE BE IT RESOLVED, that the City Of Madison hereby conditionally discontinues and vacates the portions of Evan Acres Road and Savannah Road platted in Blooming Grove Assessor's Plat No. 10, being located in the Northeast one-quarter (1/4) and the Southeast one-quarter (1/4) of Section 26, Town 7 North, Range 10 East, City of Madison, Dane County, Wisconsin. under WI Ss 66.1003(2); and

NOW THEREFORE BE IT RESOLVED, attached metes and bounds legal description and Exhibit A map of street vacation area is attached hereto and made part of this resolution; and

NOW THEREFORE BE IT FURTHER RESOLVED, under Section 80.32(4), Wisconsin Statutes, any existing 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 portions of Evan Acres Road and Savannah Road public right-of-ways will attach entirely to the adjacent Dane County owned properties; 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 properties currently owned by the Wisconsin Winnebago Tribe. The owner is to provide the City with Professional Land Surveyor prepared legal descriptions and maps of the intended reversionary interest desired by said owner; 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 the City Clerk shall not validate this street vacation by recordation with the Dane County Register of Deeds until instructed to do so by the City Engineer, following satisfaction of all street vacation conditional requirements; and