



Legislation Details (With Text)

File #: 28060 **Version:** 1 **Name:** 714 S. Few Street Vacation/Discontinuance
Type: Resolution **Status:** Passed
File created: 10/19/2012 **In control:** BOARD OF PUBLIC WORKS
On agenda: 11/27/2012 **Final action:** 11/27/2012
Enactment date: 11/28/2012 **Enactment #:** RES-12-00890
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)
Sponsors: Marsha A. Rummel
Indexes:

Code sections:

Attachments: 1. 714 S Few St (City Attorney Opinion Regarding Vacation).pdf, 2. Grenlie Survey 2012-01013.pdf, 3. 10.30.2012 Common Council registrations, 4. 28060 Registrations.pdf, 5. Affidavit of Correction

| Date | Ver. | Action By | Action | Result |
|------------|------|-----------------------|--|--------|
| 11/27/2012 | 1 | COMMON COUNCIL | Adopt | Pass |
| 11/7/2012 | 1 | BOARD OF PUBLIC WORKS | RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER | Pass |
| 11/5/2012 | 1 | PLAN COMMISSION | Return to Lead with the Recommendation for Approval | Pass |
| 11/4/2012 | 1 | BOARD OF PUBLIC WORKS | Referred | |
| 10/30/2012 | 1 | COMMON COUNCIL | Referred | Pass |
| 10/22/2012 | 1 | Engineering Division | Referred for Introduction | |

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.