



## Legislation Details (With Text)

**File #:** 34012      **Version:** 1      **Name:** Discontinuing/Vacating of a portion of Clymer Pl, an alley, from the existing east ROW of N Mills St to the W ROW of N Brooks St, being part of University Addition to Madison located in the SW 1/4 of the NW 1/4 of Sect 23, T7NR9E.

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

**File created:** 5/6/2014      **In control:** BOARD OF PUBLIC WORKS

**On agenda:** 7/1/2014      **Final action:** 7/1/2014

**Enactment date:** 7/2/2014      **Enactment #:** RES-14-00508

**Title:** Discontinuing/Vacating of a portion of Clymer Place, an alley, from the existing east right-of-way of North Mills Street to the west right-of-way of North Brooks Street, being part of University Addition to Madison located in the Southwest 1/4 of the Northwest 1/4 of Section 23, Town 7 North, Range 9 East, City of Madison, Dane County, Wisconsin. (8th AD)

**Sponsors:** Scott J. Resnick

**Indexes:**

**Code sections:**

**Attachments:** 1. Clymer Mills to Brooks Vac Description.pdf, 2. Clymer Pl Vac\_Discon Map Exhibit.pdf, 3. clymer place vac request.pdf, 4. Newspaper Notice\_Clymer Place Vacation Rev 5-28-14.pdf, 5. cc mailing affidavit.pdf, 6. Register of Deeds copy

Date	Ver.	Action By	Action	Result
7/1/2014	1	COMMON COUNCIL	Adopt and Close the Public Hearing	Pass
6/18/2014	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING	Pass
6/9/2014	1	PLAN COMMISSION	Return to Lead with the Recommendation for Approval	Pass
5/20/2014	1	BOARD OF PUBLIC WORKS	Referred	
5/20/2014	1	COMMON COUNCIL	Referred	
5/6/2014	1	Engineering Division	Referred for Introduction	

### Fiscal Note

This vacation/discontinuance of approximately 6,000 sq. ft. of Clymer Place public alley right-of-way between North Mills Street and North Brooks for transfer to adjoining properties. No expenditure of City funds required.

### Title

Discontinuing/Vacating of a portion of Clymer Place, an alley, from the existing east right-of-way of North Mills Street to the west right-of-way of North Brooks Street, being part of University Addition to Madison located in the Southwest 1/4 of the Northwest 1/4 of Section 23, Town 7 North, Range 9 East, City of Madison, Dane County, Wisconsin. (8th AD)

### Body

**WHEREAS**, the University of Wisconsin has provided a written request that the City of Madison vacate/discontinue a portion of a public street/alley known as Clymer Place between N. Brooks Street and N. Mills Street, the written request for vacation/discontinuance is attached hereto and made part of this resolution; and

**WHEREAS**, the portion of Clymer Place to be vacated/discontinued was dedicated to the public as a 16.5 foot wide unnamed public alley right-of-way within Block 17 per the plat of University Addition to Madison, said plat

was recorded August 28, 1850, in Volume A of Plats, Page 9, as Document No. 109, Dane County Registry; and

**WHEREAS**, the University of Wisconsin Regents owns all of the properties adjacent to the proposed Clymer Place vacation/discontinuance area; and

**WHEREAS**, the portion of Clymer Place to be vacated/discontinued was reconstructed as part of City of Madison Project No. 53W1496 in which previously existing Public street, sanitary sewer and water main improvements were demolished and/or abandoned and new sidewalk and storm sewer improvements were constructed per plans jointly developed with the University of Wisconsin; and

**WHEREAS**, the City of Madison will not require the perpetuation for Public use of the existing Public sidewalk or Public storm sewer improvements located within the portion of Clymer Place to be vacated/discontinued, and;

**WHEREAS**, upon vacation/discontinuance, the University of Wisconsin will take ownership of the vacated/discontinued portion of Clymer Place and proposes to take ownership of all improvements therein, including, but not limited to, the above referenced sidewalk and storm sewer improvements. The University of Wisconsin Regents also proposes to provide all maintenance and replacement necessary of the improvements therein and provide future connections to this new central walkway with State/University funding; and

**WHEREAS**, the City of Madison will require the retention of a Public Emergency Access Easement over the entirety of the portion of Clymer Place to be vacated/discontinued for the use by Public Safety personnel and associated public safety vehicles and equipment; and

**WHEREAS**, the City of Madison has prepared the necessary Clymer Place map and legal description exhibits of the public right-of-way to be vacated/discontinued, which are attached hereto and made part of this resolution; and

**WHEREAS**, the City Engineering Division recommends approval of this street vacation.

**NOW THEREFORE BE IT RESOLVED**, that the City Of Madison hereby vacates and discontinues a portion of Clymer Place as shown and described on attached map and legal description, in accordance with Wisconsin ss. 66.1003(2); and

**BE IT FURTHER RESOLVED**, under Section 66.1005(1), Wisconsin Statutes, reversionary rights of the vacated portion of Clymer Place public right-of-way will attach to the adjacent University of Wisconsin Regents owned properties; and

**BE IT FURTHER RESOLVED**, that under Section 66.1005(2)(a)(1), Wisconsin Statutes, the City Of Madison discontinues the easements and rights it may have in conjunction with any improvements within the portion of Clymer Place being vacated/discontinued. This resulting in the ownership, maintenance, removal and/or replacement of all improvements within the portion of Clymer Place to be vacated/discontinued being vested in the owner(s) of the vacated/discontinued lands; and

**BE IT FURTHER RESOLVED**, that under Section 66.1005(2), Wisconsin Statutes, the City of Madison retains a Public Emergency Access Easement over the entirety of Clymer Place being vacated/discontinued for the use by Public Safety personnel and associated public safety vehicles and equipment. The owner(s) of the vacated/discontinued portion of Clymer Place shall be required to obtain approval prior from the City of Madison Fire Department prior to the construction of any changes or modifications of the improvements within the easement area; and

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

**BE IT FINALLY RESOLVED**, upon Common Council adoption of this resolution, the City Clerk shall validate this street vacation/discontinuance by recording it 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;