



## Legislation Details (With Text)

<b>File #:</b>	37751	<b>Version:</b>	1	<b>Name:</b>	Vacating & Discontinuing the southerly 255.72 ft of Fitch Ct lying northerly & adjacent to University Ave, being part of Block 5, University Addition to Madison located in the NE 1/4 of the NW 1/4 of S23 T7 N, R 9 E, City of Madison, Dane County, Wisc.
<b>Type:</b>	Resolution	<b>Status:</b>			Passed
<b>File created:</b>	3/23/2015	<b>In control:</b>			BOARD OF PUBLIC WORKS
<b>On agenda:</b>	5/19/2015	<b>Final action:</b>			5/19/2015
<b>Enactment date:</b>	5/21/2015	<b>Enactment #:</b>			RES-15-00433
<b>Title:</b>	Vacating and Discontinuing the southerly 255.72 feet of Fitch Court lying northerly and adjacent to University Avenue, being part of Block 5, University Addition to Madison located in the Northeast 1/4 of the Northwest 1/4 of Section 23, Town 7 North, Range 9 East, City of Madison, Dane County, Wisconsin. (8th AD)				
<b>Sponsors:</b>	Zach Wood, Denise DeMarb				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Fitch Court Discontinuance ROW.pdf, 2. 146359 Exhibit(Discontinuance).pdf, 3. cc mailing aff_Fitch.pdf, 4. 37751 Recorded Docs.pdf				

Date	Ver.	Action By	Action	Result
5/19/2015	1	COMMON COUNCIL	Adopt and Close the Public Hearing	Pass
4/22/2015	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING	Pass
4/20/2015	1	PLAN COMMISSION	Return to Lead with the Recommendation for Approval	Pass
3/31/2015	1	BOARD OF PUBLIC WORKS	Refer	
3/31/2015	1	COMMON COUNCIL	Referred	
3/23/2015	1	Engineering Division	Referred for Introduction	

### Fiscal Note

This vacation/discontinuance of approximately 4,298 sq. ft. of Fitch Court public alley right-of-way for transfer to adjoining land owner to facilitate future development of the site. No expenditure of City funds required.

### Title

Vacating and Discontinuing the southerly 255.72 feet of Fitch Court lying northerly and adjacent to University Avenue, being part of Block 5, University Addition to Madison located in the Northeast 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**, Fitch Court was dedicated to the public as an unnamed alley within Block 5, per the plat of University Addition to Madison, which was recorded August 28, 1850, in Volume A of Plats, Page 9, as Document No. 109, Dane County Registry; and

**WHEREAS**, an Easement for Public Highway was granted to the City of Madison per Document No. 1447141, Dane County Registry providing public access between Fitch Court and Lake Street over the northerly 18 feet of Lot 5, Block 5, of said University Addition to Madison; and

**WHEREAS**, a private Easement was recorded as Document No. 4204090, Dane County Registry, said

easement provides a non-exclusive and unimpeded easement and right of way over the northerly 31 feet of Lot 13, Block 5, of said University Addition to Madison, between Fitch Court and East Campus Mall for the purposes of a fire lane, car and truck service/loading zone access, pedestrian accessibility and bicycle parking ; and

**WHEREAS**, the Board of Regents of the University of Wisconsin System has provided a written request to the City of Madison to vacate and discontinue a portion of a public alley known as Fitch Court, the written request for vacation and discontinuance also includes the signatures of all owners of lands abutting the entire length of Fitch Court. The said written request is attached hereto and made part of this resolution; and

**WHEREAS**, the Board of Regents of the University of Wisconsin System owns all the abutting property of the portion of Fitch Court requested to be vacated and discontinued; and

**WHEREAS**, the portion of Fitch Court to be vacated and discontinued will be incorporated into the site development of a music performance facility proposed by the University of Wisconsin. The conditional use for the facility was approved by the City of Madison Plan Commission on February 9, 2015, file ID No. 36620, with conditions requiring the said vacation and discontinuance of the portion of Fitch Court and the grant of a public ingress/egress easement to the City of Madison connecting the south end of the Fitch Court remnant to Lake Street; and

**WHEREAS**, the portion of Fitch Court to be vacated and discontinued is to be incorporated into a Certified Survey Map, conditionally approved by the City of Madison Common Council on February 24, 2015, RES-15-00174, File No. 36625, with conditions requiring the said vacation and discontinuance of the portion of Fitch Court and the grant of a public ingress/egress easement to the City of Madison connecting the south end of the Fitch Court remnant to Lake Street; and

**WHEREAS**, JSD Professional Services., the Surveying consultant for the project, has prepared the necessary Fitch Court 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 sanitary sewer and public water main facilities within the portion of Fitch Court to be vacated and discontinued; and

**WHEREAS**, as part of the proposed site development for the music performance facility, the City of Madison shall abandon the public street, sanitary sewer and public water facilities within the portion of Fitch Court to be vacated and discontinued. Per ss. 66.1005(2)(a)(1), upon the abandonment of those facilities, all easements and rights incidental to those easements that belong to the City of Madison that relate to the said facilities shall be considered released by the City of Madison, and;

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

**NOW THEREFORE BE IT RESOLVED**, that the City Of Madison hereby conditionally vacates and discontinues a portion of Fitch Court as shown on attached map and legal description, under Wisconsin ss. 66.1003(2), upon completion of the following conditions to the satisfaction of the City Engineer:

- The Board of Regents of the University of Wisconsin System (developer) shall enter into any agreement(s) required by the City of Madison in conjunction with the approval of the proposed development.
- The Board of Regents of the University of Wisconsin System (developer) shall satisfy the Certified Survey Map and Land Use conditions of approval.

**BE IT FURTHER RESOLVED**, that under ss. 66.1005(2)(a)(1), the City Of Madison discontinues and releases any easements and rights that relate to the public water, sanitary sewer and street facilities within the portion of Fitch Court being vacated and discontinued. The discontinuance and release of those easements and rights shall become effective upon the abandonment of those facilities; and

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

**BE IT FINALLY RESOLVED**, upon Common Council adoption of this resolution and completion all street vacation conditions identified above to the satisfaction of the City Engineer, the City Engineer will then authorize the City Clerk to validate this street vacation and 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;