



## Legislation Details (With Text)

|                        |   |                      |   |              |   |
|------------------------|---|----------------------|---|--------------|---|
| <b>File #:</b>         | 38105   | <b>Version:</b>      | 1 | <b>Name:</b> | Discontinuing and vacating multiple public street right-of-ways and unpaved public alleys within the plat of Village at Autumn Lake to permit the replatting of the development, being located in the NW 1/4, SW 1/4 and SE 1/4 of S26T8N R10E, City of Madison |
| <b>Type:</b>           | Resolution  | <b>Status:</b>       |   |              | Passed  |
| <b>File created:</b>   | 4/21/2015   | <b>In control:</b>   |   |              | BOARD OF PUBLIC WORKS   |
| <b>On agenda:</b>      | 6/16/2015   | <b>Final action:</b> |   |              | 6/16/2015   |
| <b>Enactment date:</b> | 6/19/2015   | <b>Enactment #:</b>  |   |              | RES-15-00559  |
| <b>Title:</b>          | Discontinuing and vacating multiple public street right-of-ways and unpaved public alleys within the plat of Village at Autumn Lake to permit the replatting of the development, being located in the Northwest 1/4, Southwest 1/4 and Southeast 1/4 of Section 26, Township 8 North, Range 10 East, City of Madison, Dane County, Wisconsin. (17th AD) |                      |   |              |   |
| <b>Sponsors:</b>       | Samba Baldeh  |                      |   |              |   |
| <b>Indexes:</b>        |   |                      |   |              |   |
| <b>Code sections:</b>  |   |                      |   |              |   |
| <b>Attachments:</b>    | 1. Exh A Street Discontinuance 2015 04 20.pdf, 2. Exh B Street Discontinuance Legal Descriptions.pdf, 3. autumn lake lis pendens.pdf, 4. Village at Autumn Lake Vacation.pdf, 5. cc mailing affidavit.pdf, 6. 38105 Vacation Autumn Lake.pdf  |                      |   |              |   |

| Date      | Ver. | Action By             | Action  | Result |
|-----------|------|-----------------------|---|--------|
| 6/16/2015 | 1    | COMMON COUNCIL        | Adopt and Close the Public Hearing                  | Pass   |
| 5/20/2015 | 1    | BOARD OF PUBLIC WORKS | RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING      | Pass   |
| 5/18/2015 | 1    | PLAN COMMISSION       | Return to Lead with the Recommendation for Approval | Pass   |
| 5/5/2015  | 1    | BOARD OF PUBLIC WORKS | Referred  |        |
| 5/5/2015  | 1    | COMMON COUNCIL        | Referred  |        |
| 4/21/2015 | 1    | Engineering Division  | Referred for Introduction                           |        |

### Fiscal Note

This vacation and discontinuance of approximately 1,511,897 sq. ft. or 34.71 acres of multiple public street right-of-ways and unpaved public alleys within the plat of Village at Autumn Lake to permit the replatting of the development does not require expenditure of City funds.

### Title

Discontinuing and vacating multiple public street right-of-ways and unpaved public alleys within the plat of Village at Autumn Lake to permit the replatting of the development, being located in the Northwest 1/4, Southwest 1/4 and Southeast 1/4 of Section 26, Township 8 North, Range 10 East, City of Madison, Dane County, Wisconsin. (17th AD)

### Body

**WHEREAS**, the plat of Village at Autumn Lake was conditionally approved by the City of Madison Common Council by Enactment Number RES-05-00955, File I.D. Number 02379, as adopted on the 29<sup>th</sup> of November, 2005 and the said Enactment provided for the acceptance of the lands dedicated for public street right-of-ways and public alleys; and

**WHEREAS**, the plat of Village at Autumn Lake was subsequently recorded upon the satisfaction of the conditions of approval on the 30<sup>th</sup> of March, 2006 in Volume 59-005B of Plats on pages 20-39, as Document Number 4175683, Dane County Register of Deeds; and

**WHEREAS**, MREC VH Madison Investors, LLC (developer) has made an application with the Department of Planning & Community & Economic Development, Legistar File No. 37285, to change the zoning of the development and revise the subdivision layout to better position the development with current market conditions and adapt the development to match the products offered by the developer; and

**WHEREAS**, MREC VH Madison Investors, LLC (developer) has made an application with the Department of Planning & Community & Economic Development, Legistar File No. 37002, for the review and approval a preliminary and final plat replatting the majority of the plat of Villages at Autumn Lake in conjunction with the proposed zoning application; and

**WHEREAS**, the proposed replat will alter areas dedicated to the public and the replat may not be recorded until those areas dedicated to the public for street right-of-way and alley purposes have been properly vacated and discontinued under s. 66.1003 Wisconsin Statutes; and

**WHEREAS**, only the site grading of the lots, outlots, roads and public stormwater management detention facilities within the plat of Village at Autumn Lake has been completed to date. The developer has not constructed, nor has the City of Madison accepted any public utilities or street improvements constructed by the developer within any of the public right-of-ways or unpaved public alleys to be vacated and discontinued; and

**WHEREAS**, the City Of Madison currently does not have any public facilities within the public right-of-ways or unpaved public alleys to be vacated and discontinued; and

**WHEREAS**, the City of Madison has constructed public sanitary sewer facilities for the Felland Road Neighborhood Sewer Assessment District under Engineering Project No. 53W0245, the existing sanitary sewer facilities are located within the existing platted right-of-ways of Golden Dusk Parkway, Autumn Lake Parkway and Waterfall Way and these said public right-of-ways are not being vacated and discontinued by this resolution; and

**WHEREAS**, the entire public right-of-ways of Arial Spring Trail, Merry Maddy Lane (platted as Arial Spring Trail), Tori Frost Way, Willow Rock Lane, Sweetgrass Run, Spring Tide Row, Rockcress Way, Wood Hill Road, Red Fern Drive, Expedition Trail, Brandywine Drive, Sanctuary Lane, Pipers Brook Lane, Breezewood Road, Briarcliff Drive, Clover Basin Road, Grassland Way, Amberwood Road, Shadyside Lane, Wood Sorrel Street (platted as Snowberry Lane), Wood Sorrel Court (platted as Snowberry Court), Madison Iris Circle and all of the unpaved public alleys dedicated by the plat of Village at Autumn Lake are to be vacated and discontinued. Additionally, portions of Levitan Lane, Tranquility Trail, Waterfall Way, Waters Edge Trail and Woodbine Drive are to be vacated and discontinued. D'Onofrio Kottke and Associates Inc., has prepared the necessary public right-of-way and alley vacation and discontinuance maps (Exhibit A) and legal descriptions (Exhibit B) delineating all of these areas to be discontinued which are attached hereto and made part of this resolution; and

**WHEREAS**, this vacation and discontinuance will not result in a landlocked parcel of property due to the current contiguous common ownership of the Lot and Outlots within the plat of Village at Autumn Lake and the pending replatting of the development; and

**WHEREAS**, the City Engineering Division recommends approval of these public right-of-way and unpaved public alley vacations and discontinuances subject to conditions as noted herein.

**NOW THEREFORE BE IT RESOLVED**, that since the public interest requires it, the City Of Madison hereby

conditionally vacates and discontinues the public right-of-ways and unpaved public alleys as shown on attached maps and legal descriptions, under Wisconsin ss. 66.1003(4), upon completion of the following condition:

- MREC VH Madison Investors, LLC (developer) shall enter into any agreement(s) required by the City of Madison in conjunction with the approval of the proposed development.
- The conditions of approval for the preliminary and final plat requiring these discontinuances and vacations shall be addressed to the satisfaction of the City of Madison Engineer.

**BE IT FURTHER RESOLVED**, that under Section 66.1005(2)(a)(1), the City Of Madison releases all easements and rights it may have within the public right-of-ways and unpaved public alleys being vacated and discontinued; 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 and discontinued public right-of-ways and unpaved public alleys shall continue unless as otherwise provided by statute; and

**BE IT FURTHER RESOLVED**, under Section 66.1005(1), Wisconsin Statutes, reversionary rights of the public right-of-ways and unpaved public alleys herein vacated and discontinued shall attach to the adjacent properties, currently being owned by the City of Madison and MREC VH Madison Investors, LLC (developer); and

**BE IT FINALLY RESOLVED**, upon Common Council adoption of this resolution and completion all street vacation and discontinuance conditions identified above to the satisfaction of the City Engineer, the City Engineer will then authorize the City Clerk to validate and make effective this street vacation and discontinuance by recording it with all supplemental map exhibits 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.