



Legislation Details (With Text)

**File #:** 48504      **Version:** 1      **Name:** Discontinuing & vacating a portion of the public street right-of-way of East Campus Mall, being located in the SE ¼ of the NW 1/4 of Section 23, Township 7 North, Range 9 East, City of Madison, Dane County, Wisconsin.

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

**File created:** 8/22/2017      **In control:** BOARD OF PUBLIC WORKS

**On agenda:** 10/17/2017      **Final action:** 10/17/2017

**Enactment date:** 10/19/2017      **Enactment #:** RES-17-00820

**Title:** Discontinuing and vacating a portion of the public street right-of-way of East Campus Mall, being located in the SE ¼ of the NW 1/4 of Section 23, Township 7 North, Range 9 East, City of Madison, Dane County, Wisconsin. (4th AD)

**Sponsors:** Michael E. Verveer

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A.pdf, 2. Exhibit B.pdf, 3. 48504 ROD copy

Date	Ver.	Action By	Action	Result
10/17/2017	1	COMMON COUNCIL	Adopt and Close the Public Hearing	Pass
9/20/2017	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING	Pass
9/18/2017	1	PLAN COMMISSION	Return to Lead with the Recommendation for Approval	Pass
9/5/2017	1	BOARD OF PUBLIC WORKS	Referred	
9/5/2017	1	COMMON COUNCIL	Refer	Pass
8/22/2017	1	Engineering Division	Referred for Introduction	

**Fiscal Note**

The proposed resolution authorizes vacation and discontinuance of approximately 208 sq. ft. or 0.0048 acres of public street right-of-way of East Campus Mall. No appropriation is required.

**Title**

Discontinuing and vacating a portion of the public street right-of-way of East Campus Mall, being located in the SE ¼ of the NW 1/4 of Section 23, Township 7 North, Range 9 East, City of Madison, Dane County, Wisconsin. (4th AD)

**Body**

**WHEREAS**, the public right of way of Murray Street (a.k.a. N. Murray Street), lying south of W. Dayton Street was originally dedicated by the plat of University Addition to Madison, recorded August 28<sup>th</sup>, 1850 as Document No. 109, Dane County Registry; and

**WHEREAS**, a portion of N. Murray Street was vacated by the City of Madison Common Council per Resolution Number 58420, File I.D. Number 29508, as adopted on June 19, 2001 and validated and made effective on July 16, 2002 with the recording of the resolution as Document No. 3514205, Dane County Registry, to permit construction of an addition to the University of Wisconsin Southeast Recreational Facility at 715 W. Dayton Street; and

**WHEREAS**, the City of Madison Common Council authorized the Mayor and City Clerk to enter into an agreement for the maintenance of N. Murray Street from Regent Street to W. Dayton Street per Enactment No. RES-05-00707, File I.D. 01738, as adopted on September 6, 2005 and subsequently executed by the Mayor on October 12, 2005; and

**WHEREAS**, the City of Madison Common Council authorized the name of N. Murray Street to be changed to East Campus Mall per Enactment No. RES-07-00867, File I.D. 06471, as adopted on September 4, 2007 and effective on June 1, 2008; and

**WHEREAS**, the University of Wisconsin made an application with the Department of Planning & Community & Economic Development, requesting a demolition permit and an alteration to the Planned Development (Specific Implementation Plan) for Kohl Center / LaBahn Arena / Southeast Recreational Facility to allow for the demolition and reconstruction of the Southeast Recreational Facility at 715 W Dayton Street; and

**WHEREAS**, the demolition permit and alteration were conditionally approved by the City of Madison Planning Commission on February 20, 2017, Legistar File No. 45529 and the said conditions of approval provided for the vacation and discontinuance of a portion of East Campus Mall to eliminate the planned fixed building canopy from protruding into a public right of way; and

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

**WHEREAS**, the portion of the public right-of-way of East Campus Mall to be vacated and discontinued is as shown and described on the vacation and discontinuance map (Exhibit A) and legal description (Exhibit B) delineating the area 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; and

**WHEREAS**, the City Engineering Division recommends approval of this partial public right-of-way vacation and discontinuance 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-way as shown on attached map and described on the attached legal description, under Wisconsin ss. 66.1003(4); and

**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-way 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 may exist within the vacated and discontinued public right-of-way 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 herein vacated and discontinued shall attach to the adjacent property, currently being owned by The Board of Regents of the University of Wisconsin; and

**BE IT FINALLY RESOLVED**, upon Common Council adoption of this resolution, 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.