



Legislation Details (With Text)

**File #:** 48610      **Version:** 1      **Name:** Discontinuing and vacating the remaining portion of the public street right-of-way of Linden Court, being located in the SW ¼ of the SE 1/4 of Section 6, Township 7 North, Range 10 East, City of Madison, Dane County, Wisconsin.

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

**File created:** 8/29/2017      **In control:** BOARD OF PUBLIC WORKS

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

**Enactment date:** 10/19/2017      **Enactment #:** RES-17-00821

**Title:** Discontinuing and vacating the remaining portion of the public street right-of-way of Linden Court, being located in the SW ¼ of the SE 1/4 of Section 6, Township 7 North, Range 10 East, City of Madison, Dane County, Wisconsin. (6th AD)

**Sponsors:** Marsha A. Rummel

**Indexes:**

**Code sections:**

**Attachments:** 1. EXHIBIT A.pdf, 2. EXHIBIT B.pdf, 3. EXHIBIT C.pdf, 4. UTILITY PLAN.pdf, 5. Vicinity Map.pdf, 6. Linden Ct. Vacation Petition 2017-4-26 rev exhibits.pdf, 7. Link\_Ord\_File\_48227, 8. Link\_CSM\_File\_48145, 9. 48610 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
8/29/2017	1	Engineering Division	Referred for Introduction	

**Fiscal Note**

No Appropriation Required. The proposed resolution authorizes vacation and discontinuance of approximately 4409 sq. ft. or 0.1012 acres of public street right-of-way of Linden Court for site redevelopment.

**Title**

Discontinuing and vacating the remaining portion of the public street right-of-way of Linden Court, being located in the SW ¼ of the SE 1/4 of Section 6, Township 7 North, Range 10 East, City of Madison, Dane County, Wisconsin. (6th AD)

**Body**

**WHEREAS**, the public right of way of Linden Court, lying northwesterly of Winnebago Street was originally dedicated by the plat of Tierney Addition to Madison, recorded June 12th, 1897 as Document No. 2166209, Dane County Registry; and

**WHEREAS**, a portion of Linden Court was previously vacated and discontinued by the City of Madison Common Council per Resolution Number 35,345, File Number 4600-176, as adopted on January 22, 1980 and validated and made effective on January 25, 1980 with the recording of the resolution as Document No. 1655804, Dane County Registry; and

**WHEREAS**, the Accipiter Real Estate, LLC provided a written petition to the City of Madison to vacate and discontinue the remaining portion of Linden Court. The written petition for vacation and discontinuance includes the signatures of all owners of lands abutting the entire length of the remaining portion of Linden Court. The said written request and exhibits are attached hereto and made part of this resolution; and

**WHEREAS**, the remaining portion of Linden Court to be vacated and discontinued is to be incorporated as part of a proposed development project per an application for Rezoning, Legistar File ID No. 48227, an application for Demolition Permit and Conditional Use, Legistar File ID No. 48156, an application for Demolition Permit and Conditional Use, Legistar File ID No. 48157 and an application for Certified Survey Map Land Division, Legistar File ID No. 48145. The applications submitted by Accipiter Real Estate, LLC. The preliminary utility plan of the proposed site development is attached hereto and made part of this resolution; and

**WHEREAS**, currently there are City of Madison Water Utility public water main facilities within the remaining portion of the public right-of-way to be vacated and discontinued. The said facilities are to be abandoned in the future by the City of Madison Water Utility as part of this redevelopment project; and

**WHEREAS**, the portion of the public right-of-way of Linden Court to be vacated and discontinued is as shown and mapped on Exhibit B and legally described on Exhibit A, both of which are attached hereto and made part of this resolution; 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**, the City Of Madison hereby conditionally vacates and discontinues the remaining public right-of-way of Linden Court as shown on attached map Exhibit B and described on the attached Exhibit A, under Wisconsin ss. 66.1003(2), upon the following conditions to the satisfaction of the City Engineer.

- Accipiter Real Estate, LLC (applicant) shall obtain conditional Land Division, Demolition and Conditional Use approvals from the City of Madison for the proposed development that are consistent with, as determined by the City Engineer, the remaining portion of Linden Court to be vacated and discontinued.

**BE IT FURTHER RESOLVED**, that under Section 66.1005(2), as part of this resolution, the City of Madison retains a 15 foot wide Temporary Public Watermain Easement as shown on attached map Exhibit B and described on the attached Exhibit C. The said Temporary Public Watermain Easement shall terminate, without notice, upon the abandonment of those water main facilities by the City of Madison Water Utility; and

**BE IT FURTHER RESOLVED**, that under Section 66.1005(2)(a)(1), the City Of Madison releases all other 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, any other existing easements that may exist within the vacated and discontinued public right-of-way benefitting those other than the City of Madison, 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 as provided by Statute; 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.