



Legislation Details (With Text)

**File #:** 54383      **Version:** 1      **Name:** Discontinuing and vacating a portion of the public street right-of-way Commerce Park Drive, being located in the SE ¼ of the SW 1/4 of Section 9, Township 8 North, Range 10 East, City of Madison, Dane County, Wisconsin. (17th AD).

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

**File created:** 1/14/2019      **In control:** Engineering Division

**On agenda:** 3/5/2019      **Final action:** 3/5/2019

**Enactment date:** 3/8/2019      **Enactment #:** RES-19-00186

**Title:** Discontinuing and vacating a portion of the public street right-of-way Commerce Park Drive, being located in the SE ¼ of the SW 1/4 of Section 9, Township 8 North, Range 10 East, City of Madison, Dane County, Wisconsin. (17th AD).

**Sponsors:** Samba Baldeh

**Indexes:**

**Code sections:**

**Attachments:** 1. Petition to Vacate Portion of Right of Way Commerce Park Dr.PDF, 2. Vicinity Map Commerce Way Discontinuance.pdf, 3. Lis Pendens Doc 5464469.pdf, 4. Exhibit A.pdf, 5. Exhibit B.pdf, 6. Exhibit C.pdf, 7. Registrant\_021119.pdf, 8. Register of Deeds copy.pdf

Date	Ver.	Action By	Action	Result
3/5/2019	1	COMMON COUNCIL	Adopt	Pass
2/20/2019	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING	Pass
2/11/2019	1	PLAN COMMISSION	Return to Lead with the Recommendation for Approval	Pass
2/5/2019	1	BOARD OF PUBLIC WORKS	Refer	
2/5/2019	1	COMMON COUNCIL	Refer For Public Hearing	
1/14/2019	1	Engineering Division	Referred for Introduction	

This vacation and discontinuance of approximately 36,022 sq. ft. or 0.0827 acres of public street right-of-way of Commerce Park Drive for site development does not require the expenditure of City funds.

Discontinuing and vacating a portion of the public street right-of-way Commerce Park Drive, being located in the SE ¼ of the SW 1/4 of Section 9, Township 8 North, Range 10 East, City of Madison, Dane County, Wisconsin. (17th AD).

WHEREAS, the plat of Interstate Commerce park was conditionally reapproved by the City of Madison Common by Enactment Number RES-05-00737, File I.D. Number 01909, as adopted on the 6th<sup>th</sup> of September, 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 Interstate Commerce Park was subsequently recorded upon the satisfaction of the conditions of approval on the 29<sup>th</sup> of November, 2005 in Volume 58-095A of Plats on pages 485-487, as Document Number 4137450, Dane County Register of Deeds; and,

WHEREAS, on January 11<sup>th</sup>, 2019, a written petition was submitted to the City of Madison Engineer to vacate and discontinue a portion of Commerce Park Drive. The written petition for vacation and discontinuance includes the signatures of all owners of lands abutting the portion of Commerce Park Drive to be vacated and

discontinued and also the signatures of the owners of more than one-third of the frontage of the lots and lands abutting on the portion of the public right-of-way that remains east of the proposed vacation and discontinuance. The said written petition and exhibits are attached hereto and made part of this resolution; and,

WHEREAS, the portion of the public right-of-way of Commerce Park Drive 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 portion of Commerce Park Drive to be vacated and discontinued and adjacent Lots 1, 2, 3, 4, 8, 9, and 10 of said Interstate Commerce Park are to be incorporated as part of a proposed development project ("Development"), currently under review by City staff as site verification I.D. LNDSPR-2019-00003. A copy of the preliminary site plan of the Development is attached hereto and made part of this resolution as Exhibit C showing the proposed development and the portion of Commerce Park Drive to be vacated and discontinued; and,

WHEREAS, the City of Madison Common Council has before it a Resolution, per legislative File I.D. Number 53924, to authorize the Mayor and City Clerk to enter into an Early Attachment and Revenue Sharing Agreement with the Town of Burke to facilitate the attachment of Town of Burke parcels to the City of Madison located at 4202-4210 Hoepker Road (Tax Parcel ID Numbers 014/0810-093-8730-0 and 014/0810-093-9290-7). These parcels are also to be incorporated as part of the Development as shown on the attached Exhibit C; and,

WHEREAS, an application has been submitted to the City of Madison Planning Department by the Developer for a Certified Survey Map / Land Division, to create the lots and public road right-of-ways necessary for the Development; and,

WHEREAS, the proposed Certified Survey Map may not be recorded and the Development approved until that portion of Commerce Park Drive dedicated to the public for street right-of-way purposes has been properly vacated and discontinued under s. 66.1003 Wisconsin Statutes; and,

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

WHEREAS, this vacation and discontinuance will not result in a landlocked parcel of property due to the current common ownership of Lots 1, 2, 3, 4, 7, 8, 9, 10 and 15 of Interstate Commerce Park; 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 Commerce Park Drive 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.

- The attachment of Town of Burke parcels to the City of Madison that are currently located at 4202-4210 Hoepker Road. (Existing Tax Parcel ID Numbers 014/0810-093-8730-0 and 014/0810-093-9290-7)
- The Developer obtains a conditional site plan approval for the Development that, as determined by the City Engineer, is consistent with vacation and discontinuance of the portion of Commerce Park Drive described herein.
- The Developer shall enter into a development agreement(s) as required by the City of Madison City

Engineer in conjunction with the approval of the Development.

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 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 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 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.