Legislation Details (With Text)

File #:	57717	**Version:**	1	**Name:**	12002 - Twin Oaks Plat Partial Restriction Release
Type:	Resolution			**Status:**	Passed
File created:	10/8/2019			**In control:**	Economic Development Division
On agenda:	11/19/2019			**Final action:**	11/19/2019
Enactment date:	11/25/2019			**Enactment #:**	RES-19-00760

Title: Authorizing the execution of a Partial Release of Building Setback document for Lot 2 and Outlot 1 of the Plat of Twin Oaks. (16th AD)

Sponsors: Michael J. Tierney

Indexes:

Code sections:

Attachments: 1. Locator_Map.pdf, 2. 12002_Exhibit_A.pdf, 3. Twin_Oaks_Plat_Pg_1.pdf

Date	Ver.	Action By	Action	Result
11/19/2019	1	COMMON COUNCIL	Adopt	Pass
11/6/2019	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
10/28/2019	1	PLAN COMMISSION	Return to Lead with the Recommendation for Approval	Pass
10/15/2019	1	BOARD OF PUBLIC WORKS	Refer	
10/15/2019	1	COMMON COUNCIL	Refer	Pass
10/8/2019	1	Economic Development Division	Referred for Introduction	

Fiscal Note

No City appropriation required.

Title

Authorizing the execution of a Partial Release of Building Setback document for Lot 2 and Outlot 1 of the Plat of Twin Oaks. (16th AD)

Body

WHEREAS, as a condition of approval for the Plat of Twin Oaks ("Plat"), the City of Madison ("City") required a 40-foot building setback restriction from the right-of-way of Siggelkow Road on lots 1, 2, 97 and Outlot 1 of the Plat. The Plat setting forth the said restriction was subsequently recorded on the 29th of October, 2003 in Volume 58-039A of Plats, pages 209-211 as Document No. 3834712; and

WHEREAS, at the time of plat recording, a single family residence existed on Lot 2 of the Plat, with the southern portion of the residence depicted within the northern boundary of the existing 40-foot building setback by 13.7 feet, more or less; and

WHEREAS, the current owner of Lot 2 ("Owner") submitted an application to the City Department of Planning & Community & Economic Development, Legistar File No. 56790, for approval of a conditional use to redevelop Lot 2 with a 15-resident Community Based Residential Facility. The redevelopment proposes additions on the east and west sides of the existing residence, with no proposed change to the area of the existing residence located within the platted 40-foot building setback area; and

WHEREAS, to accommodate this proposed redevelopment, the Owner has requested a partial release of the

existing 40-foot building setback restriction, thus reducing the existing setback line to a 28-foot building setback across Lot 2, as well as Outlot 1 of the Plat, which is also part of the Owner's property; and

WHEREAS, the Owner also requests an exception to the new 28-foot building setback for that portion of the existing residence that lies south of the proposed 28-foot building setback line, as depicted on Exhibit A ("Setback Release Area"), which exhibit is attached hereto and made part of this resolution; and

WHEREAS, City Engineering Division and City Planning agree that the building setback reduction proposed in this resolution, including the exception for the area of the existing residence that is less than 28 feet from the road right-of-way, is consistent with surrounding residential building setbacks and approve of releasing a portion of the platted building setback area on Lot 2 and Outlot 1.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the City Clerk are hereby authorized to execute a Partial Release of Building Setback document to release 12 feet of the existing 40-foot building setback area. The execution of the document shall be conditioned upon the approval of the Owner's Conditional Use application by the Plan Commission, Legistar File No. 56790. The Setback Release Area is legally described as follows:

Part of a Building Setback Area located in part of Outlot 1 and Lot 2, Twin Oaks, as recorded in Volume 58-039A of Plats, on pages 209-211, as Document Number 3834712, Dane County Registry, located in the Southeast Quarter of the Northeast Quarter of Section 34, Township 07 North, Range 10 East, City of Madison, Dane County, Wisconsin, more fully described as follows:

Commencing at the southwest corner of said Lot 2;
Thence North 01 degree 08 minutes 19 seconds West along the west line of said Lot 2, 28.00 feet to the **Point of Beginning**;
Thence continuing North 01 degree 08 minutes 19 seconds West along said west line, 12.00 feet;
Thence North 88 degrees 11 minutes 29 seconds East, 170.95 feet along the existing north line of said Building Setback Area being 40 feet north of and parallel with the right of way of Siggelkow Road to the west right of way of Freese Lane;
Thence South 01 degree 34 minutes 37 seconds East along said west right of way, 12.00 feet;
Thence South 88 degrees 11 minutes 29 seconds West, 71.68 feet parallel with and 28 feet north of the right of way of Siggelkow Road;
Thence South 01 degree 50 minutes 49 seconds East, 2.02 feet;
Thence South 88 degrees 09 minutes 11 seconds West, 45.00 feet;
Thence North 01 degrees 50 minutes 49 seconds West, 2.05 feet;
Thence South 88 degrees 11 minutes 29 seconds West, 54.36 feet on a line being 28 feet north of and parallel with the right of way of Siggelkow Road to the **Point of Beginning**.

This description contains 2,144 square feet.

Bearings are based on the Wisconsin Coordinate System (Dane Zone).