



Legislation Details (With Text)

**File #:** 58184      **Version:** 1      **Name:** Discontinuing and vacating the remaining portion of an un-named public alley within Harloff Subdivision, being located in part of the SW 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:** 11/11/2019      **In control:** Engineering Division

**On agenda:** 1/7/2020      **Final action:** 1/7/2020

**Enactment date:** 1/10/2020      **Enactment #:** RES-20-00001

**Title:** Discontinuing and vacating the remaining portion of an un-named public alley within Harloff Subdivision, being located in part of the SW ¼ of the NW 1/4 of Section 23, Township 7 North, Range 9 East, City of Madison, Dane County, Wisconsin. (8th AD)

**Sponsors:** Sally Rohrer

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit\_A.pdf, 2. Exhibit\_B.pdf, 3. Lis\_Pendens.pdf, 4. Petition\_Filed\_2019-10-23.pdf, 5. Alley\_Vacation\_Vicinity\_Map.pdf, 6. registered copy

Date	Ver.	Action By	Action	Result
1/7/2020	1	COMMON COUNCIL	Adopt Under Suspension of Rules 2.04, 2.05, 2.24, and 2.25, and Close the Public Hearing	Pass
12/11/2019	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING	Pass
11/25/2019	1	PLAN COMMISSION	Return to Lead with the Recommendation for Approval	Pass
11/19/2019	1	BOARD OF PUBLIC WORKS	Referred	
11/19/2019	1	COMMON COUNCIL	Refer	Pass
11/11/2019	1	Engineering Division	Referred for Introduction	

**Fiscal Note**

The proposed resolution authorizes vacation and discontinuance of approximately 1,522 sq. ft. or 0.0349 acres of the remaining unnamed public alley within Harloff Subdivision for future site development. No appropriation is required.

**Title**

Discontinuing and vacating the remaining portion of an un-named public alley within Harloff Subdivision, being located in part of the SW ¼ of the NW 1/4 of Section 23, Township 7 North, Range 9 East, City of Madison, Dane County, Wisconsin. (8th AD)

**Body**

**WHEREAS**, an un-named 17 foot wide public alley, running North from Regent Street was dedicated to the public as part of the plat of Harloff Subdivision of the South Four Acres of the University Addition to the City of Madison ("Plat"), said Plat recorded on the 16<sup>th</sup> of August, 1898 in Volume 1 of Plats on page 44, as Document Number 222749A, Dane County Register of Deeds; and

**WHEREAS**, Resolution 61545, File ID No. 35952 was adopted on June 1, 2004 vacating and discontinuing a portion of the said un-named public alley, thereby leaving a portion of the existing public alley to remain lying

adjacent to Lots 9 and 10 and adjacent to part of Lot 13 of said Plat; and

**WHEREAS**, all of the adjacent lands lying East and West of the remaining portion of the un-named public alley are owned by 818 Regent, LLC; and

**WHEREAS**, the adjacent lands lying North of the remaining portion of the un-named public alley are owned by the University of Wisconsin Regents; and

**WHEREAS**, on October 23<sup>rd</sup>, 2019, a written petition and a copy of the required Lis Pendens, subsequently recorded as Document No. 5533918, were submitted to the City of Madison Engineer to vacate and discontinue the remaining portion of the said un-named public alley. The written petition for vacation and discontinuance includes the signatures of all owners of lands abutting the remaining portion of the said un-named public alley requested to be vacated and discontinued. The petition and Lis Pendens are attached hereto and made part of this resolution; and

**WHEREAS**, the remaining portion of the un-named public alley to be vacated and discontinued is as legally described on Exhibit A and shown and mapped on Exhibit B. Both Exhibits are attached hereto and made part of this resolution; and

**WHEREAS**, this proposed vacation and discontinuance will not result in a landlocked parcel of property; and

**WHEREAS**, the City Of Madison Engineering Division will not require the perpetuation for public use the public storm sewer improvements within the southernmost portion of the un-named public alley to be vacated and discontinued. Upon adoption of this resolution, the existing public storm water inlet and the storm sewer lead shall be abandoned by the City of Madison for public use, resulting in the ownership of the abandoned storm sewer facilities being vested in the owner(s) of the vacated and discontinued lands described herein; and

**WHEREAS**, the City Engineering Division recommends approval of this partial vacation and discontinuance of the said un-named public alley, subject to the City of Madison Engineering Division requirement as noted above.

**NOW THEREFORE BE IT RESOLVED**, the City Of Madison hereby vacates and discontinues the remaining portion of the un-named public alley per Harloff Subdivision of the South Four Acres of the University Addition to the City of Madison. The area of the vacation and discontinuance being as shown on attached map Exhibit B and described on attached Exhibit A, under Wisconsin ss. 66.1003(2).

**BE IT FURTHER RESOLVED**, that under Section 66.1005(2)(a)(1), the City Of Madison discontinues all easements and incidental rights in conjunction with the public storm sewer and public street improvements lying within or under the portion of the un-named public alley to be vacated and discontinued. Therefore, the ownership, maintenance, removal and/or replacement of the abandoned public storm sewer and public street improvements are hereby granted to the owner(s) of the lands hereby vacated and discontinued by this resolution; and

**BE IT FURTHER RESOLVED**, under Section 66.1005(2), Wisconsin Statutes, other than those easements and rights cited 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 herein vacated and discontinued shall attach to the adjacent properties currently owned by 818 Regent, LLC as provided by Statute; and

**BE IT FINALLY RESOLVED**, upon Common Council adoption of this resolution, the City Clerk shall 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.