



Legislation Details (With Text)

File #: 60209 **Version:** 1 **Name:** Discontinuing and vacating a remaining portion of the public street right-of-way Garden Street, being located in the SE ¼ of the NW ¼, also part of Government Lot 3, of Section 26, Township 7 North, Range 9 East, City of Madison, Dane County, Wisconsin.

Type: Resolution **Status:** Passed

File created: 4/13/2020 **In control:** Engineering Division

On agenda: 6/2/2020 **Final action:** 6/2/2020

Enactment date: 6/4/2020 **Enactment #:** RES-20-00408

Title: Discontinuing and vacating a remaining portion of the public street right-of-way Garden Street, being located in the SE ¼ of the NW ¼, also part of Government Lot 3, of Section 26, Township 7 North, Range 9 East, City of Madison, Dane County, Wisconsin. (13th AD)

Sponsors: Tag Evers

Indexes:

Code sections:

Attachments: 1. 60209-Locator Map.pdf, 2. Petition-Garden St Vacation_2020-04-13.pdf, 3. EXHIBIT A (Legal Desc).pdf, 4. EXHIBIT B (Map Exhibit).pdf, 5. EXHIBIT C (Site Plan & Temp Easements).pdf, 6. Lis Pendens Garden St.pdf, 7. Vicinity Map-Garden St Vacation.pdf, 8. registered copy

Date	Ver.	Action By	Action	Result
6/2/2020	1	COMMON COUNCIL	Adopt and Close the Public Hearing	Pass
5/20/2020	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING	Pass
4/27/2020	1	PLAN COMMISSION	Return to Lead with the Recommendation for Approval	Pass
4/21/2020	1	BOARD OF PUBLIC WORKS	Referred	
4/21/2020	1	COMMON COUNCIL	Refer For Public Hearing	Pass
4/14/2020	1	Engineering Division	Referred for Introduction	

Fiscal Note

This vacation and discontinuance of approximately 11,898 sq. ft. or 0.2731 acres of remaining public street right-of-way of Garden Street for site development does not require the expenditure of City funds.

Title

Discontinuing and vacating a remaining portion of the public street right-of-way Garden Street, being located in the SE ¼ of the NW ¼, also part of Government Lot 3, of Section 26, Township 7 North, Range 9 East, City of Madison, Dane County, Wisconsin. (13th AD)

Body

WHEREAS, the plat of Grand - View Addition to South Madison was recorded on December 5, 1889 in Volume A of Plats, page 21 as Document No. 180788, Dane County Register of Deeds.

WHEREAS, said plat of Grand - View Addition to South Madison dedicated Garden Street, lying between Blocks 4 and 5 of said plat, as a public street right-of-way; and

WHEREAS, Resolution 44,034, ID No. 1732 was adopted by the City of Madison Common Council on November 17th, 1987 vacating and discontinuing approximately the southerly 50 feet of Garden Street. The

resolution was recorded as Document No. 2056027 on November 25th, 1987 validating and making effective the said street vacation and discontinuance; and

WHEREAS, a Land Use Application was submitted to the City of Madison Planning Department by SSM Health for a Zoning Map Amendment, Conditional Use and Demolition Permit necessary for a Redevelopment Project involving construction of a new five-story, 180,000 square-foot health clinic in the southeast quadrant of the intersection of Fish Hatchery Road with Midland Street; and

WHEREAS, Enactment Number ORD-20-00025, File ID No. 59303 was adopted by the City of Madison Common Council on March 3, 2020 conditionally approving the said Zoning Map Amendment Ordinance. Also File ID No. 58783 was approved by the City of Madison Plan Commission on February 24, 2020 conditionally approving the said Conditional Use and Demolition Permit for the Redevelopment Project; and

WHEREAS, an application was submitted to the City of Madison Planning Department SSM Health for a Certified Survey Map / Land Division, to create the lot necessary for the said Redevelopment Project; and

WHEREAS, the said Certified Survey Map was conditionally approved by the Common Council by Enactment Number RES-20-00184, File I.D. Number 58788, as adopted on the 3rd of March, 2020; and

WHEREAS, the Zoning Map Amendment, Conditional Use, Demolition Permit and Certified Survey Map approvals for the Redevelopment Project have a condition of approval requiring the remaining portion of Garden Street, lying between said Blocks 4 and 5 of Grand - View Addition to South Madison, be vacated and discontinued to accommodate the improvements proposed as part of the Redevelopment Project. A copy of the site plan of the Redevelopment Project is attached hereto and made part of this resolution as Exhibit C showing the proposed development and the portion of Garden Street to be vacated and discontinued; and

WHEREAS, on April 13th, 2020, a written petition and a copy of the required Lis Pendens to be recorded by the petitioner was submitted to the City of Madison Engineer to vacate and discontinue the remaining portion of Garden Street. The written petition for vacation and discontinuance includes the signatures of all owners of lands abutting the entire remaining portion of Garden Street 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 public right-of-way of Garden Street 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 proposed Certified Survey Map may not be recorded and the Redevelopment Project approved for building permits until the said remaining portion of Garden Street 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 have public storm sewer improvements within the southern 100 feet of 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; and

WHEREAS, the City Engineering Division recommends approval of this partial public right-of-way vacation and discontinuance.

NOW THEREFORE BE IT RESOLVED, the City Of Madison hereby vacates and discontinues the remaining public right-of-way of Garden Street as shown on attached map Exhibit B and described on the attached Exhibit A, under Wisconsin ss. 66.1003(2).

BE IT FURTHER RESOLVED, that under Section 66.1005(2)(a), the City Of Madison releases all easements and rights it may have within the public right-of-ways being vacated and discontinued with the exception of retaining a Temporary Storm Sewer Easement for maintenance of existing public storm sewer facilities under the southerly 100 feet of the public right-of-way being vacated and discontinued. The easement shall remain until the public facilities have been removed and/or abandoned per a City of Madison Engineer final approved construction plan. Upon the final removal and/or abandonment of the public facilities, the temporary easement shall terminate without further notice. The temporary storm sewer easement area shall be as shown and dimensioned on attached Exhibit C; and

BE IT FURTHER RESOLVED, under Section 66.1005(2), Wisconsin Statutes, other than those easements and rights released above by the City of Madison, 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 as provided by Statute; and

BE IT FINALLY RESOLVED, upon Common Council adoption of this resolution, the City Clerk is hereby authorized 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.