Legislation Details (With Text)

File #:	67108	**Version:**	1	**Name:**	Partial discontinuing and vacating of public street right-of-way of Appleton Road between South Street and Fish Hatchery Road, located in the NE ¼ of the SW ¼ of Section 26, Township 7 North, Range 9 East, in the City of Madison.
Type:	Resolution			**Status:**	Passed
File created:	8/24/2021			**In control:**	Engineering Division
On agenda:	10/19/2021			**Final action:**	10/19/2021
Enactment date:	10/25/2021			**Enactment #:**	RES-21-00697

Title: Partial discontinuing and vacating of public street right-of-way of Appleton Road between South Street and Fish Hatchery Road, located in the NE ¼ of the SW ¼ of Section 26, Township 7 North, Range 9 East, in the City of Madison. (13th AD)

Sponsors: Tag Evers

Indexes:

Code sections:

Attachments: 1. Appleton Rd Vacation Vicinity Map.pdf, 2. Exhibit A - Vacation Map.pdf, 3. Exhibit B- Legal Desc.pdf, 4. Exhibit C - Project Map.pdf, 5. CSM 15465.pdf, 6. registered copy

Date	Ver.	Action By	Action	Result
10/19/2021	1	COMMON COUNCIL	Adopt Under Suspension of Rules 2.04, 2.05, 2.24, and 2.25, and Close the Public Hearing	Pass
10/6/2021	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING	Pass
9/22/2021	1	TRANSPORTATION COMMISSION	Return to Lead with the Recommendation for Approval	
9/20/2021	1	PLAN COMMISSION	Return to Lead with the Recommendation for Approval	Pass
9/1/2021	1	BOARD OF PUBLIC WORKS	Referred	
9/1/2021	1	BOARD OF PUBLIC WORKS	Referred	
8/31/2021	1	COMMON COUNCIL	Referred	
8/24/2021	1	Engineering Division	Referred for Introduction	

Fiscal Note

This partial vacation and discontinuance of approximately 15,910 sq. ft. or 0.365 acres of public street right-of-way of Appleton Road lying between Fish Hatchery Road and South Street does not require the expenditure of City funds.

Title

Partial discontinuing and vacating of public street right-of-way of Appleton Road between South Street and Fish Hatchery Road, located in the NE ¼ of the SW ¼ of Section 26, Township 7 North, Range 9 East, in the City of Madison. (13th AD)

Body

WHEREAS, the plat of Haen Subdivision No. 1 was recorded on March 25, 1960 in Volume 23 of Plats, pages 38 and 39 as Document No. 998984, Dane County Register of Deeds; and

WHEREAS, said plat of Haen Subdivision No. 1 dedicated Appleton Road, lying between Fish Hatchery Road

and South Street, as a public street right-of-way; and

WHEREAS, a Conditional Use and Demolition Permit for a Redevelopment Project involving the construction of a new five-story, 180,000 square-foot health clinic, parking lot and other site improvements lying north of Appleton Road were approved by the City of Madison Plan Commission on February 24, 2020. Additionally, the associated Zoning Map Amendment Ordinance was adopted by the City of Madison Common Council on March 3, 2020 as Enactment Number ORD-20-00025, File ID No. 59303; and

WHEREAS, in conjunction with the above Redevelopment Project, in order to create the Lots and Outlots required for the approved Redevelopment Project, a Certified Survey Map was submitted by the owner and conditionally approved by the Common Council on March 3rd, 2020 per Enactment Number RES-20-00184, File I.D. Number 58788. Subsequently, the conditions of approval were met and the Certified Survey Map was recorded on August 11th, 2020 as Certified Survey Map No 15465, in Volume 111 of Certified Surveys, pages 159 - 170 as Document No. 5623958, a recorded copy of which is attached hereto and made part of this resolution (hereinafter “CSM 15465”); and

WHEREAS, the approved Redevelopment Project plans acknowledge and denote the future location of the extension of Cedar Street adjacent to and northerly of the existing Appleton Road. The Redevelopment Project plans also show and acknowledge the future partial discontinuance and vacation of Appleton Road. A page from the approved Revelopment plans showing and denoting the street extension and partial discontinuance is attached hereto as Exhibit C and made part of this Resolution; and

WHEREAS, per a restriction set forth on the face of CSM 15465, in conformance with the conditions of approval for CSM 15465, Outlot 1 has been reserved for future dedication to the City of Madison (Cedar Street extension) for public right of way purposes by the Owner at no cost to the City of Madison upon the adoption of a resolution by the City of Madison to discontinue and vacate Appleton Road. The effective date of the vacation and discontinuance shall be conditioned upon the execution and recording of a document conveying and dedicating Outlot 1 to the City of Madison for public street purposes. The restrictions and conditions for Outlot 1 being set forth in Note 2 on Sheet 6 of attached CSM 15465; and

WHEREAS, City of Madison Office of Real Estate Services Project No. 12360 has been set up for the conveyance of Outlot 1 of CSM 15465 to the City of Madison for public right of way purposes; and

WHEREAS, City of Engineering Project 13062 - Cedar Street (relocate Appleton Rd), and Public Works Contract No 8505, have been set up for the design and construction of the new Cedar Street extension north of Appleton Road; and

WHEREAS, Ayres Associates Inc. has prepared the necessary partial public right-of-way vacation and discontinuance map (Exhibit A) and legal description (Exhibit B) delineating the proposed area of vacation of Appleton Road that is to be vacated and discontinued. Both Exhibits A and B are attached hereto and made part of this resolution; and

WHEREAS, the City Of Madison currently has public street improvements within the public right-of-way to be vacated and discontinued that will be removed as part of the construction of the future Cedar Street construction project; 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, that since the public interest requires it, the City Of Madison hereby conditionally vacates and discontinues the public right-of-way of Appleton Road as shown on attached map

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(Exhibit A) and legal description (Exhibit B), under Wisconsin ss. 66.1003(4), upon completion of the following condition:

- The Owner shall convey Outlot 1, Certified Survey Map No. 15465, to the City of Madison for public right of way purposes at no cost to the City of Madison.

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-way being vacated and discontinued with the exception of retaining a Temporary Public Street Easement for maintenance of existing public street facilities within the vacation and discontinuance area. The easement shall remain effective until the public facilities have been removed and/or abandoned per a City of Madison Engineer final approved construction and demolition plan. Upon the final removal and/or abandonment of the public facilities by the City of Madison, the temporary easement shall terminate without further notice; 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, the adjacent properties being Lot 1 and Lot 8, Block 2, of Haen Subdivision No. 1. The Mayor and City Clerk are hereby authorized to sign any additional documents, as may be determined necessary, to clear from title any City of Madison ownership interest within any part of the lands being discontinued and vacated herein; and

BE IT FURTHER RESOLVED, upon the recording of this resolution and the conveyance of Outlot 1 of Certified Survey Map No 15465 to the City of Madison for public right of way purposes, combined with the remaining adjacent right of way not vacated and discontinued (as noted on Exhibit A) shall be a public street having the name of Cedar Street; 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 adm inister the appropriate workflows to complete and finalize all land record database updates.

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