



Legislation Details (With Text)

File #: 70371 **Version:** 1 **Name:** Vacating and Discontinuing a portion of a public alley located in part of Block 55 of Original Plat of Madison located in the Northwest 1/4 of the Northeast 1/4 of Section 23, Town 7 North, Range 9 East, City of Madison, Dane County, Wisconsin.

Type: Resolution **Status:** Passed

File created: 3/3/2022 **In control:** BOARD OF PUBLIC WORKS

On agenda: 3/29/2022 **Final action:** 4/19/2022

Enactment date: 4/25/2022 **Enactment #:** RES-22-00275

Title: Vacating and Discontinuing a portion of a public alley located in part of Block 55 of Original Plat of Madison located in the Northwest 1/4 of the Northeast 1/4 of Section 23, Town 7 North, Range 9 East, City of Madison, Dane County, Wisconsin. (4th AD)

Sponsors: Michael E. Verveer

Indexes:

Code sections:

Attachments: 1. PC Locator Maps.pdf, 2. Petition to Vacate.pdf, 3. Lis Pendens.pdf, 4. Exhibit A - Legal Description.pdf, 5. Exhibit B - Vacation Map.pdf, 6. Exhibit C - Alley/Easement to Remain.pdf, 7. 70371 PublicComment-RegistrantsReport.pdf, 8. 220419 Common Council Registrants Report.pdf, 9. ROD copy

Date	Ver.	Action By	Action	Result
4/19/2022	1	COMMON COUNCIL	Adopt Unanimously	Pass
4/11/2022	1	PLAN COMMISSION	Return to Lead with the Recommendation for Approval	Pass
4/6/2022	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
3/29/2022	1	BOARD OF PUBLIC WORKS	Refer	
3/29/2022	1	COMMON COUNCIL	Refer	Pass
3/3/2022	1	Engineering Division	Referred for Introduction	

Fiscal Note

No expenditure of City funds are required for this partial vacation and discontinuance of approximately 2,502 sq. ft. of an unnamed public alley right-of-way within Block 55 of the Original Plat of Madison to facilitate redevelopment of the majority of Block 55.

Title

Vacating and Discontinuing a portion of a public alley located in part of Block 55 of Original Plat of Madison located in the Northwest 1/4 of the Northeast 1/4 of Section 23, Town 7 North, Range 9 East, City of Madison, Dane County, Wisconsin. (4th AD)

Body

WHEREAS, a public alley (hereinafter Public Way) was conveyed to the City of Madison as an unnamed “alley way” within Block 55 of the Original Plat of Madison connecting to W. Johnson Street approximately 190 feet southwesterly of State Street. The said conveyance was recorded March 18, 1927, as Document Number 472131, Dane County Registry; and

WHEREAS, an application for a Development was submitted to the City of Madison Planning Department to rezone properties located at 341 State Street, 317-321 West Gorham Street and 322 West Johnson Street to

PD(GDP) Planned Development (General Development Plan). The said Rezoning and Specific Implementation Plan were conditionally approved by the Common Council by Enactment Number ORD-21-00082, File I.D. Number 67120, as adopted on the 7th of December, 2021; and

WHEREAS, an application was submitted to the City of Madison Planning Department for a Certified Survey Map combining parcels creating a single Lot over the same lands as those in the above rezoning application. Said Certified Survey Map was conditionally approved by the Common Council by Enactment Number RES-21-00814, File I.D. Number 66600, as adopted on the 7th of December, 2021; and

WHEREAS, a condition of the above rezoning ordinance ORD-21-00082 is that the it “shall take effect when the Common Council approves a Resolution vacating city right-of-way contained within the area to be rezoned”; and

WHEREAS, the proposed Certified Survey Map may not be approved for recording until that portion the existing Public Way within Lot 1 of the proposed Certified Survey Map has been properly vacated and discontinued under s. 66.1003 Wisconsin Statutes and included within Lot 1 of the proposed Certified Survey Map; and

WHEREAS, a condition of approval for the Certified Survey Map requires the owner to grant a permanent limited easement to the City of Madison for a public turn around adjacent to public alley to remain. The proposed Easement Area as noted on Exhibit C attached hereto and made part of this resolution; and

WHEREAS, a condition of approval for the Certified Survey Map for the partial vacation an discontinuance of the Public Way shall be conditioned upon any required access easements benefitting the adjacent owners (of the remaining Public Way) and the City of Madison being finalized and agreed upon with the adjacent owners and the City of Madison. Any required easements shall be recorded subsequent to the CSM and prior to the final site plan sign off; and

WHEREAS, on March 3, 2022, a written petition and a copy of the required Lis Pendens per Document No. 5816165 were submitted to the City of Madison Engineer to partially vacate and discontinue a portion of the Public Way. The written petition for vacation and discontinuance includes the signatures of all owners of lands abutting the Public Way to be vacated and discontinued, and also all of the owners of the lands abutting the remainder of the Public Way that is not being vacated and discontinued. The petition and Lis Pendens are attached hereto and made part of this resolution; and

WHEREAS, the portion of the Public Way 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, this vacation and discontinuance will not result in a landlocked parcel of property; and

WHEREAS, the City Engineering Division recommends approval of this partial vacation and discontinuance of the said Public Way, subject to conditions as noted herein.

NOW THEREFORE BE IT RESOLVED, that the City Of Madison hereby conditionally vacates and discontinues a portion a Public Way as shown on attached Exhibit B and described in attached Exhibit A, under Wisconsin ss. 66.1003(2), upon completion of the following conditions to the satisfaction of the City Engineer:

- The Owner of the lands within the conditionally approved Certified Survey Map shall enter into any Developer Agreement(s) required by the City of Madison in conjunction with the approval of the proposed development. This shall include the Owner to enter into a Maintenance agreement with the City of Madison for the portion of the Public Way (alley) that will not be discontinued. Responsibilities shall include sweeping, cleaning, and snow and ice removal.

- The Owner of the lands within the conditionally approved Certified Survey Map shall satisfy the Certified Survey Map and Rezoning conditions of approval to the level of satisfaction of the City Engineer.
- The Owner of the lands within the conditionally approved Certified Survey Map shall provide confirmation that the required access easement(s) benefitting the adjacent owners abutting the Public Way (alley) to remain have been approved by those adjacent owners and will be recorded after the Certified Survey Map.
- The required public access easement over the conditionally approved Certified Survey Map benefitting the City of Madison shall be approved by the City Engineer and granted on the face of the final recorded Certified Survey Map.

BE IT FURTHER RESOLVED, that under ss. 66.1005(2)(a)(1), the City Of Madison discontinues and releases any easements and rights within the portion of the Public Way being vacated and discontinued; 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 Way 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 Way 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 Public Way 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.