



## Legislation Details (With Text)

**File #:** 75503      **Version:** 1      **Name:** Relief from conditions of gifts and dedication per Section 66.1025(1) Wisconsin Statutes, of Outlot 7, Second Addition to Truax Air Park West for the replatting (by Certified Survey Map) a portion of the plat, being located in the Northwest 1/4 of the Nor

**Type:** Resolution      **Status:** Passed

**File created:** 1/10/2023      **In control:** BOARD OF PUBLIC WORKS

**On agenda:** 3/7/2023      **Final action:** 3/7/2023

**Enactment date:** 3/10/2023      **Enactment #:** RES-23-00181

**Title:** Relief from conditions of gifts and dedication per Section 66.1025(1) Wisconsin Statutes, of Outlot 7, Second Addition to Truax Air Park West for the replatting (by Certified Survey Map) a portion of the plat, being located in the Northwest 1/4 of the Northeast 1/4 of Section 31, Township 8 North, Range 10 East, City of Madison, Dane County, Wisconsin. (12th AD)

**Sponsors:** Keith Furman

**Indexes:**

**Code sections:**

**Attachments:** 1. PC Locator Maps.pdf, 2. File ID 70551 1802 Pankratz St\_DispoLetter.pdf, 3. 1802 Pankratz St\_CSM Letter\_05-25-22.pdf, 4. RES-22-00408 (ID 70728)\_05-24-22.pdf, 5. Montessori\_CSM\_09-26-2022.pdf, 6. Montessori\_Outlot 7 Exhibit A.pdf, 7. Exhibit B-Outlot 7 Legal.pdf, 8. Montessori\_Outlot 7 Exhibit D.pdf

Date	Ver.	Action By	Action	Result
3/7/2023	1	COMMON COUNCIL	Adopt Unanimously	Pass
3/6/2023	1	FINANCE COMMITTEE	Return to Lead with the Recommendation for Approval	Pass
2/28/2023	1	COMMON COUNCIL	Refer	Pass
2/8/2023	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
1/25/2023	1	TRANSPORTATION COMMISSION	Return to Lead with the Following Recommendation(s)	Pass
1/23/2023	1	PLAN COMMISSION	Return to Lead with the Recommendation for Approval	Pass
1/17/2023	1	BOARD OF PUBLIC WORKS	Referred	
1/17/2023	1	BOARD OF PUBLIC WORKS	Referred	
1/17/2023	1	COMMON COUNCIL	Refer	Pass
1/10/2023	1	Engineering Division	Referred for Introduction	

### Fiscal Note

This relief from conditions of gifts and dedication, Outlot 7, Second Addition to Truax Air Park West containing 21,632 sq. ft. or 0.4966 acres of area does not require expenditure of City funds.

### Title

Relief from conditions of gifts and dedication per Section 66.1025(1) Wisconsin Statutes, of Outlot 7, Second Addition to Truax Air Park West for the replatting (by Certified Survey Map) a portion of the plat, being located in the Northwest 1/4 of the Northeast 1/4 of Section 31, Township 8 North, Range 10 East, City of Madison, Dane County, Wisconsin. (12th AD)

## Body

**WHEREAS**, the plat of Second Addition to Truax Air Park West was approved and accepted by the City of Madison Common Council by a Resolution as adopted on the 16<sup>th</sup> of March, 1999 and the said Enactment provided for the acceptance of the lands dedicated to the public as Outlot 7 for Pedestrian and Bicycle Path purposes; and

**WHEREAS**, the plat of Second Addition to Truax Air Park West was subsequently recorded on the 12<sup>th</sup> of April, 1999 in Volume 57-120A of Plats on pages 473-476, as Document Number 3101354, Dane County Register of Deeds; and

**WHEREAS**, Dane County, a Wisconsin quasi-municipal corporation ("Dane County") is the owner of Properties located at 1802 Pankratz Street, described as Lot 47, of said Second Addition to Truax Air Park West (hereinafter "Lot 47") and 1902 Pankratz Street, described Lot 48, Second Addition to Truax Air Park West (hereinafter "Lot 48"); and

**WHEREAS**, PERTCO LLC, a Wisconsin limited liability company ("PERTCO") is lessee of the Lot 47 under a ground lease by and between PERTCO, and Dane County, lessor; and

**WHEREAS**, CORBEN LAND DEVELOPMENT, LLC, a Wisconsin limited liability company ("CORBEN") is lessee of the Lot 48 under a ground lease by and between CORBEN, and Dane County, lessor; and

**WHEREAS**, between Lot 47 and Lot 48 lies Outlot 7, being Dedicated to the Public for Pedestrian and Bicycle Path purposes by the said plat of Second Addition to Truax Air Park West; and

**WHEREAS**, Isthmus Montessori Academy, Inc. ("Developer") made an application with the Department of Planning & Community & Economic Development, for conditional use alteration to expand a school and a conditional use for parking in excess of the maximum encompassing Lot 47, Lot 48 and Outlot 7. The expansion requires a land division to combine Lot 47, Lot 48 and Outlot 7 to accommodate the scope of the expansion; and

**WHEREAS**, the conditional use alteration was conditionally approved by the City of Madison Plan Commission on the 23<sup>rd</sup> of May, 2022, File I.D. Number 70551, said conditional approval included a condition for the development that the City of Madison shall release the dedication restriction over said Outlot 7 in accordance with s. 66.1025(1) of the Wisconsin Statutes Relief of Gifts and Dedications by a resolution adopted by Common Council following the conditional approval of a required Certified Survey Map in conjunction with the development. This condition being required due to the proposed school expansion crossing said Outlot 7; and

**WHEREAS**, the Developer made an application with the Department of Planning & Community & Economic Development, for the review and approval for a Certified Survey Map replatting Lots 47 and 48 and Outlot 7 of Second Addition to Truax Air Park West in conjunction with the land use application; and

**WHEREAS**, the Certified Survey Map (attached hereto and made part of this resolution as Exhibit C) replatting Lots 47 and 48 and Outlot 7 of Second Addition to Truax Air Park West (hereinafter the "Certified Survey Map" has been conditionally approved by the City of Madison Common Council by Enactment Number RES-22-00408, File I.D. Number 70728, as adopted on the 24<sup>th</sup> of May, 2022, said Enactment provides the City of Madison to consider a resolution, as provided by Section 66.1025(1) of the Wisconsin Statutes, approving a relief from conditions of gifts and dedication for the lands dedicated to the public over the entirety of said Outlot 7, as shown on attached Exhibit A and described in attached Exhibit B, and convey those described lands back to the dedicator (or the heirs of the dedicator) for replatting; and

**WHEREAS**, a condition of the Certified Survey Map approval requires the granting of a Public Sidewalk and Bike Path Easement ("Easement") to the City of Madison by the Certified Survey Map to accommodate the

relocation of the current path. The final location and configuration shall encompass the area required for the construction, maintenance and repair of the public path facilities as coordinated with City Engineering and Traffic Engineering Staff. The Easement area and location being generally shown on the Certified Survey Map attached as Exhibit C and the preliminary path plans attached as Exhibit D; and

**WHEREAS**, MSA Inc., has prepared maps (Exhibit A) and legal description (Exhibit B) delineating the areas to be relieved from the conditions of gifts and dedication and conveyed to the dedicator (or the heirs of the dedicator), which are attached hereto and made part of this resolution; and

**WHEREAS**, the City Engineering Division recommends approval of the relief from conditions of gifts and dedications and the conveyance of said lands shown on attached Exhibit A and described in attached Exhibit B for replatting as part of the conditions of approval for the Certified Survey Map, subject to conditions as noted herein.

**NOW THEREFORE BE IT RESOLVED**, that since the current dedication of the lands shown on Exhibit A and described in attached Exhibit B are impracticable due to the conditionally approved Certified Survey Map, the City of Madison hereby relieves the lands from all existing conditions of gifts and dedications encumbering the lands and shall convey those lands to the dedicator (or the heirs of the dedicator), the lands being shown and described on the attached maps (Exhibit A) and legal description (Exhibit B), under Wisconsin ss.66.1025(1), upon completion of the following conditions:

- Isthmus Montessori Academy, Inc. (Developer) shall enter into any agreement(s) required by the City of Madison for public infrastructure improvements in conjunction with the approval of the proposed development.
- The conditions of approval for the Certified Survey Map shall be addressed to the satisfaction of the City of Madison Engineer.
- The Developer shall have obtained ground leases or assignment of ground leases for both Lots 47 and 48 from Dane County and shall provide the documentation supporting the same.

**BE IT FINALLY RESOLVED**, upon Common Council adoption of this resolution and completion the conditions identified above to the satisfaction of the City Engineer, the City Engineer shall then authorize the City Of Madison Office of Real Estate Services Division of the Economic Development Division make effective this Relief From Conditions of Gifts and Dedication by recording an appropriate deed conveying the lands to the dedicator (or the heirs of the dedicator) as shown and described on the attached maps (Exhibit A) and legal description (Exhibit B) with the Dane County Register of Deeds.