



Legislation Details (With Text)

**File #:** 78658      **Version:** 1      **Name:** Vacating and discontinuing multiple unimproved public street right-of-ways within the plat of Acacia Ridge Replat No. 2 to allow the replatting of a portion the development. Being located in the Southeast 1/4 of the Southeast 1/4 of Section 28, Township 7

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

**File created:** 6/29/2023      **In control:** Engineering Division

**On agenda:** 9/5/2023      **Final action:** 9/5/2023

**Enactment date:** 9/7/2023      **Enactment #:** RES-23-00544

**Title:** Vacating and discontinuing multiple unimproved public street right-of-ways within the plat of Acacia Ridge Replat No. 2 to allow the replatting of a portion the development. Being located in the Southeast 1/4 of the Southeast 1/4 of Section 28, Township 7 North, Range 8 East, City of Madison, Dane County, Wisconsin. (District 1)

**Sponsors:** John W. Duncan

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A.pdf, 2. Exhibit B.pdf, 3. Vicinity Map.pdf, 4. Lis Pendens Acacia Ridge Replat No 4 Vacation.pdf, 5. registered copy

Date	Ver.	Action By	Action	Result
9/5/2023	1	COMMON COUNCIL	Adopt	Pass
8/23/2023	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
7/26/2023	1	TRANSPORTATION COMMISSION	Return to Lead with the Recommendation for Approval	Pass
7/24/2023	1	PLAN COMMISSION	Return to Lead with the Recommendation for Approval	Pass
7/12/2023	1	BOARD OF PUBLIC WORKS	Refer	
7/12/2023	1	BOARD OF PUBLIC WORKS	Refer	
7/11/2023	1	COMMON COUNCIL	Refer	Pass
6/29/2023	1	Engineering Division	Referred for Introduction	

**Fiscal Note**

The proposed resolution vacates and discontinues approximately 55,404 sq. ft. or 1.2719 acres of unimproved public street right-of-ways within the plat of Acacia Ridge Replat No. 2 to allow the replatting of a portion the development. No City funds required.

**Title**

Vacating and discontinuing multiple unimproved public street right-of-ways within the plat of Acacia Ridge Replat No. 2 to allow the replatting of a portion the development. Being located in the Southeast 1/4 of the Southeast 1/4 of Section 28, Township 7 North, Range 8 East, City of Madison, Dane County, Wisconsin. (District 1)

**Body**

**WHEREAS**, the plat of Acacia Ridge Replat No. 2 was conditionally approved by the City of Madison Common Council by Enactment Number RES-22-00058, File I.D. Number 68206, as adopted on the 18th of January,

2022 and the said Enactment provided for the acceptance of the lands dedicated for public street right-of-ways; and

**WHEREAS**, the plat of Acacia Ridge Replat No. 2 was subsequently recorded upon the satisfaction of the conditions of approval on the 23rd of January, 2023 in Volume 61-081A of Plats, on pages 479-480, as Document Number 5883303, Dane County Register of Deeds; and

**WHEREAS**, an application was made with the Department of Planning & Community & Economic Development for a preliminary and final plat of Acacia Ridge Replat No. 4 to replat a portion of the plat of Acacia Ridge Replat No. 2. The replat reconfiguring the lots, outlots and streets within the southeasterly portion of the plat; and

**WHEREAS**, the said plat of Acacia Ridge Replat No. 4 was conditionally approved by the City of Madison Common Council by Enactment Number RES-23-00425, File I.D. Number 76589, as adopted on the 6th of June, 2023; and

**WHEREAS**, the conditionally approved Acacia Ridge Replat No. 4 will alter areas dedicated to the public for public street right-of-way, and the replat may not be recorded until those areas dedicated to the public for street right-of-ways by Acacia Ridge have been properly vacated and discontinued under s. 66.1003 Wisconsin Statutes; and

**WHEREAS**, the unimproved public right-of-way of Turning Oak Lane and an un-named alley lying between Lone Oak Lane and White Sky Pass, all dedicated by the plat of Acacia Ridge Replat No. 2, are to be vacated and discontinued. D'Onofrio Kottke and Associates Inc. and City of Madison Engineering Division, have prepared the necessary public right-of-way vacation and discontinuance maps (Exhibit A) and legal descriptions (Exhibit B) delineating all of these areas to be discontinued, the Exhibits are attached hereto and made part of this resolution; and

**WHEREAS**, the current developer and owner have not constructed, nor has the City of Madison accepted any new public utilities or street improvements in conjunction with Acacia Ridge within any of the public right-of-ways to be vacated and discontinued; and

**WHEREAS**, this vacation and discontinuance will not result in a landlocked parcel of property due to the current contiguous common ownership of the Lots of the plat of Acacia Ridge Replat No. 2 adjacent to these proposed areas of vacation and discontinuance; and

**WHEREAS**, the City Engineering Division recommends approval of these public right-of-way vacations and discontinuances subject to conditions as noted herein.

**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-ways as shown on attached Exhibit A and described on attached Exhibit B, under Wisconsin ss. 66.1003(4), upon completion of the following conditions:

- The Developer of Acacia Ridge Replat No. 4 shall enter into any agreement(s) required by the City of Madison in conjunction with the approval of the proposed development of Acacia Ridge Replat No. 4.
- The conditions of approval for the preliminary and final plat for the Acacia Ridge Replat No. 4 shall be addressed to the satisfaction of the City of Madison Engineer.

**BE IT FURTHER RESOLVED**, that, under Wisconsin ss. 66.1005(2)(a)(1) the City of Madison releases any easements and rights it may have within the public right-of-ways being vacated and discontinued; and

**BE IT FURTHER RESOLVED**, under Section 66.1005(2), Wisconsin Statutes any other existing easements and rights that exist within the vacated and discontinued public right-of-ways and unpaved public alleys 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; and

**BE IT FINALLY RESOLVED**, upon Common Council adoption of this resolution and completion all street 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.