



Legislation Details (With Text)

File #: 83533 **Version:** 1 **Name:** Darwin Road Official Map Amendment
Type: Resolution **Status:** Passed
File created: 5/20/2024 **In control:** BOARD OF PUBLIC WORKS
On agenda: 5/21/2024 **Final action:** 7/2/2024
Enactment date: 7/8/2024 **Enactment #:** RES-24-00443

Title: Amending the City of Madison Official Map to remove a mapped reservation for a future north-south public street located in the Southwest Quarter of the Northeast Quarter of Section 30, Township 8 North, Range 10 East in the City of Madison, on land generally addressed as 2202 Darwin Road (District 18).

Sponsors: Yannette Figueroa Cole, Derek Field, John W. Duncan, Amani Latimer Burris, Charles Myadze

Indexes:

Code sections:

Attachments: 1. Locator Maps.pdf, 2. Exhibit.pdf, 3. Planning Division Staff Report.pdf, 4. Link to Revised CSM File 83674

Date	Ver.	Action By	Action	Result
7/2/2024	1	COMMON COUNCIL	Adopt Unanimously	Pass
6/24/2024	1	PLAN COMMISSION	RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING	Pass
6/5/2024	1	BOARD OF PUBLIC WORKS	Return to Lead with the Recommendation for Approval	Pass
5/29/2024	1	TRANSPORTATION COMMISSION	Return to Lead with the Recommendation for Common Council to Adopt	Pass
5/21/2024	1	PLAN COMMISSION	Refer	
5/21/2024	1	PLAN COMMISSION	Refer	
5/21/2024	1	COMMON COUNCIL	Refer	Pass
5/20/2024	1	Planning Division	Referred for Introduction	

Fiscal Note

No City appropriation is required with the approval of this amendment to the Official Map for the City of Madison.

Title

Amending the City of Madison Official Map to remove a mapped reservation for a future north-south public street located in the Southwest Quarter of the Northeast Quarter of Section 30, Township 8 North, Range 10 East in the City of Madison, on land generally addressed as 2202 Darwin Road (District 18).

Body

PREAMBLE

The City of Madison has used an Official Map since August 1966 to reserve areas for planned new streets, highways, parks, parkways, and greenways in the existing and future City, as enabled by Wis. Stats. ss. 62.23 (6)(c) and Section 16.25(6) of Madison General Ordinances. Where the City has mapped a reservation, building permits may generally not be issued to construct new buildings within the reserved area, and if land

with a mapped reservation is divided by plat or Certified Survey Map, the subdivider is required to dedicate the reservations to the public.

Since at least 1972, the Official Map has included various mapped reservations in the Northeast Quarter of Section 30, Town 8 North, Range 10 East (Town of Burke). The reservations for these future streets were affirmed as part of the creation of an outlot for future development in 2008, which divided the parcel now addressed as 2202 Darwin Road from the larger Oak Park development to the north (3901 Packers Avenue).

In November 2022 the Common Council approved Resolution 22-00775 (ID 74140) to amend the Official Map to remove an east-west 60-foot wide reservation for future street purposes located in the Southwest Quarter of the Northeast Quarter of Section 30, Township 8 North, Range 10 East in the City of Madison, on land generally addressed as 2202-2320 Darwin Road. The Common Council adopted the Resolution with the condition that the 60-foot wide north-south street reservation be maintained. The Official Map was amended at the request of representatives for the current owner of 2202 Darwin Road due to the implications that dedicating and constructing those streets would have on a planned development of 2102 and 2202 Darwin.

The map sheet for this area still includes one north-south 60-foot wide reservation for future street purposes in the northeastern quadrant of the intersection of Packers Avenue (CTH CV) and Darwin Road to provide local street access to serve additional development of a series of large parcels located north of Darwin and south of the Oak Park mobile home community. The reservation was affirmed when Common Council adopted Resolution 23-00663 (ID 79328) on October 17, 2023 approving a Certified Survey Map ("CSM") of the properties owned by B & G Real Estate, LLC, located at 2102 Darwin Road, and Optunities LLC (also known as OPTunites, LLC) located at 2202 Darwin Road to dedicate a 51-foot wide street to the public ("Street A"); said CSM having been approved by the Plan Commission at its October 2, 2023 meeting. The CSM has not been recorded.

Recently, representatives for the current owner of 2202 Darwin Road have requested that the Official Map be amended to remove the 45-foot wide portion of the mapped north-south 60-foot wide reservation for a future public street from that parcel due to the adverse implications that dedicating and constructing the street would have on a planned development of 2102 and 2202 Darwin. The property at 2202 Darwin Road includes 45 feet of the 60-foot wide reservation, which is also encumbered by an easement benefiting the adjacent property to the east. The applicant has cited that they are unable to successfully negotiate the release of the existing easement with the benefiting party, with said easement being located in the 51-foot wide street to be dedicated to the public as shown on the approved CSM (ID79328). The land cannot be dedicated to the public unless the easement is released by the parties.

In lieu of dedication of the future street with the pending Certified Survey Map, the applicant proposes to create a minimum 45-foot wide outlot that would be conditioned on conveyance of the outlot to the City for right-of-way purposes at no cost to the City following the recording of the CSM. The outlot would allow the abutting owners to maintain their current access to Darwin Road while preserving the City's interest in constructing the planned future north-south street.

WHEREAS the Common Council adopted Ordinance 2091 on August 11, 1966 to establish the Official Map for the City of Madison for a part of the City of Madison located in the Northeast Quarter of Section 30, Township 8 North, Range 10 East to map various future streets/ highways, parkways, and greenways in the existing and future City generally bounded by Packers Avenue (CTH CV) on the west, Government Road on the north, Starkweather Creek on the east, and Darwin Road on the south; and

WHEREAS the Common Council adopted Resolution 23232 on March 28, 1972 to amend the Official Map sheet for said quarter section; and

WHEREAS the Common Council Adopted Resolution 22-00775 (ID 74140) on November, 22, 2022 to amend the Official Map sheet for said quarter section; and

WHEREAS said Official Map sheet shows a 60-foot wide reservation for future street purposes extending north from Darwin Road to a point located approximately 807 feet generally north, to include a bulb at the end of the future street; and

WHEREAS the Common Council adopted Resolution 08-00042 (ID 08294) on January 8, 2008, approving a Certified Survey Map ("CSM") of the Oak Park MHC, LLC property located at 3901 Packers Avenue to create a 7.4-acre outlot for future development from the 63.8-acre "Oak Park" mobile home community to the north; said CSM having been approved by the Plan Commission at its December 3, 2007 meeting; and

WHEREAS approval of the outlot was conditioned upon the final CSM including notes that a future dedication of a 66-foot wide north-south right of way to run along and parallel to the entire eastern property line of the proposed outlot and a future dedication of a 66-foot wide east-west right of way between Packers Avenue and the new north-south right of way would be required at such future time as the outlot is re-divided into a developable lot, said future dedications consistent with the reservations shown on the Official Map sheet adopted by said Resolution 23232; and

WHEREAS said one-outlot CSM was recorded at the Dane County Register of Deeds on September 11, 2009 as Certified Survey Map 12769 with the required notes; and

WHEREAS representatives for the property owner of 2202 Darwin Road have requested that the Official Map be amended to remove the 45-foot wide portion of the mapped north-south 60-foot wide reservations for future public streets from that parcel.

NOW THEREFORE BE IT RESOLVED, the City Of Madison hereby amends the City of Madison Official Map to remove those lands reserved for a planned new street located in the Southwest Quarter of the Northeast Quarter of Section 30, Township 8 North, Range 10 East as shown on attached map Exhibit A, pursuant to Section 16.25(6) of Madison General Ordinances and Wis. Stats. ss. 62.23(6)(c).

BE IT RESOLVED that notice of this amendment has been provided pursuant to the requirements under Wisconsin Statutes Sec. 62.23(6) and Section 16.25(6) of Madison General Ordinances.