



## Legislation Text

File #: 37610, Version: 1

### Fiscal Note

No fiscal note needed.

### Title

Vacation/Discontinuance of a portion of Evan Acres Road and a portion of Savannah Road and repealing RES-12-00227.

### Body

**WHEREAS**, on September 10, 1998 the City of Madison (the "City") and the Ho-Chunk Nation, formerly known as the Wisconsin Winnebago Tribe, (the "Nation") entered into an Intergovernmental Service and Development Agreement (the "IGA") regarding the development of the facility now known as Ho-Chunk Gaming Madison on lands held in trust for the Nation by the United States of America (the "trust parcel"), along with the development of surrounding lands owned by the Nation in fee (the "fee lands"); and,

**WHEREAS**, the IGA contained numerous recitals and terms relating to the construction of necessary public infrastructure to serve this proposed development; and,

**WHEREAS**, Section 8 of the IGA required the City to relocate and expand the intersection of Evan Acres Road and Savannah Road on lands dedicated to the City by Nation, which dedications were made by the Nation in Doc. No. 3135154 and which improvements were made by the City in City Contract No. 5078 / Engineering Project No. 53B0037 in 1999; and,

**WHEREAS**, following the improvement of these right-of-ways, the IGA called for the City to vacate the surplus lands created by the relocation and expansion of the Evan Acres Road and Savannah Road right-of-ways and intersection and assign the property to the abutting land owners; and,

**WHEREAS**, the Nation has brought it to the attention of various city departments that this street vacation called for by the IGA had never been completed by the City; and,

**WHEREAS**, the City Engineering Division has determined that the Nation and the City have completed all public street and infrastructure improvements and satisfied all conditions required for the City to move forward with this partial street vacation; and,

**WHEREAS**, the City previously conditionally vacated these lands in RES-12-00227 (file ID No. 25360, Doc. No. 4931918), but that resolution was incomplete; and,

**WHEREAS**, a precondition of the City's vacation of these lands is that it not result in the trust parcel being landlocked, which condition has been satisfied with the Nation's granting of a permanent access easement over the fee lands for the purpose of providing pedestrian and vehicular access between the trust land and the public right-of-way, which easement is attached hereto as Exhibit 13; and,

**WHEREAS**, subject to the reservations set forth in Sec. 66.1005(2), it is in the public's interest that the following portions of the Evan Acres Road and Savannah Road right-of-ways should be vacated pursuant to the terms of the IGA and Wis. Stat. Sec. 66.1003(4):

- Vacated Street Portion East, as described on Exhibit 1 and depicted on Exhibit 2 to this resolution;
- Vacated Street Portion West, as described on Exhibit 3 and depicted on Exhibit 4 to this resolution;

and,

- Vacated Street Portion North, as described on Exhibit 5 and depicted on Exhibit 6 to this resolution;

Which Exhibits are incorporated herein by reference; and,

**WHEREAS**, following the vacation of the above lands, pursuant to Wis. Stat. Sec. 66.1005(1), the vacated lands shall attach to the Nation's fee lands as follows:

- Vacated Street Portion East shall be attached to the Nation's property at 4001 Savannah Rd. (tax parcel ID no. 0710-264-0103-5), the resulting parcel, Combined Parcel East, being described on Exhibit 7 and depicted on Exhibit 8;
- Vacated Street Portion West shall be attached to the Nation's property at 3938 Evan Acres Rd. (tax parcel ID no. 0710-264-0101-9), the resulting parcel, Combined Parcel West, being described on Exhibit 9 and depicted on Exhibit 10;
- Vacated Street Portion North shall be attached to the Nation's property at 3922 Evan Acres Rd. (tax parcel ID no. 0710-261-0301-1), the resulting parcel, Combined Parcel North, being described on Exhibit 11 and depicted on Exhibit 12;

Which Exhibits are incorporated herein by reference.

**NOW THEREFORE BE IT RESOLVED**, that, RES-12-00227 (File ID No. 25360) is hereby repealed; and,

**BE IT FURTHER RESOLVED**, that, pursuant to Wis. Stat. Sec. 66.1003(4), the City Of Madison finds that, based upon the terms of the IGA with the Nation, it is in the public's interest to discontinue and vacate those portions of Evan Acres Road and Savannah Road as described and depicted on Exhibits 1 through 6 to this resolution; and,

**BE IT FURTHER RESOLVED**, that, under Wis. Stat. Sec. 66.1005(2), all easements and rights incidental to the easements that belong to any county, school district, town, village, city, utility, or person that relate to any underground or overground structures, improvements, or services and all rights of entrance, maintenance, construction, and repair of the structures, improvements, or services shall continue, unless as otherwise provided by statute; and,

**BE IT FURTHER RESOLVED**, that, pursuant to Wis. Stat. Sec. 66.1005(1), the vacated lands shall attach to the Nation's fee lands as set forth above, and as described and depicted on Exhibits 7 through 12 to this resolution; and,

**BE IT FURTHER RESOLVED**, that all supplemental exhibits attached to Legistar and made part of this resolution shall be attached by the City Clerk to the final resolution that is to be recorded with the Dane County Register of Deeds; and,

**BE IT FINALLY RESOLVED**, that following adoption of this resolution and the City Clerk recording said resolution with the Dane County Register of Deeds, effectively conveying title of the vacated street right-of-ways to abutting properties, the City of Madison Assessor's Office will include the vacated lands with the adjacent properties currently owned by the Nation as set forth herein.