



Legislation Text

File #: 48145, **Version:** 1

Fiscal Note

No City appropriation is required with the approval of this Certified Survey Map. City costs associated with urban development in this area will be included in future operating and capital budgets subject to Common Council approval.

Title

Approving a Certified Survey Map of property owned by Accipiter Real Estate, LLC located at 2048, 2100 and 2114 Winnebago Street; 6th Ald. Dist., and releasing a land use restriction recorded against a portion of the subject properties.

Body

WHEREAS a Certified Survey Map of property owned by Accipiter Real Estate, LLC and located at 2048, 2100 and 2114 Winnebago Street, City of Madison, Dane County, Wisconsin has been duly filed for approval by the Plan Commission, its Secretary or his/her designee, as provided for in Section 16.23(5)(g) of Madison General Ordinances; and

WHEREAS Chapter 236, Wisconsin Statutes requires that the Madison Common Council approve any dedications proposed or required as part of the proposed division of the lands contained on said Certified Survey Map; and

WHEREAS a Declaration of Restrictions was recorded in the Dane County Register of Deeds Office on February 15, 1982 as Document No. 1732695 in Volume 3398 on page 45 of Records, said restriction limiting the use of Lots 5-9 of Block 2, Tierney Addition to the City of Madison, generally located on the northerly side of Sutherland Court and extending from Winnebago Street west to the Wisconsin & Southern Railroad right of way; and

WHEREAS said restriction limited the use of the above-described property to iron, steel or other metal fabrication (but not forging); machine shops and the fabrication of metal; metal finishing, plating, and similar such treatments; soldering and welding; contractor and construction offices and shops; dwelling units for watchmen; storage and warehousing establishments; and any uses permitted by Section 28.09(4) and 28.10 (2) of the City's Zoning Code [the former C3-Highway Commercial District and the Manufacturing Districts (M1, M2, etc.)]; and

WHEREAS the Common Council is required to authorize and amendment, repeal, release or alteration of the recorded land use restriction; and

WHEREAS the recorded restriction is contrary to the plans and letter of intent to construct a three-story mixed-use commercial and residential cohousing building on property that includes the restricted lands;

NOW THEREFORE BE IT RESOLVED that said Certified Survey Map, bond and subdivision contract, subsequent affidavits of correction, parkland acquisition documents, easement or right-of-way release or procurement documents or any other related document or documents as deemed necessary by the Secretary of the Plan Commission in accordance with the approval of said Certified Survey Map are hereby approved by the Madison Common Council.

BE IT FURTHER RESOLVED that the Mayor and City Clerk of the City of Madison are hereby authorized to sign the above mentioned documents related to this Certified Survey Map.

BE IT FURTHER RESOLVED that all dedications included in this Certified Survey Map or required as a condition of approval of this Certified Survey Map be and are hereby accepted by the City of Madison.

BE IT FURTHER RESOLVED that final approval and recording of this Certified Survey Map may only occur following approval and recording of the petition to vacate Linden Court.

BE IT FURTHER RESOLVED that the Planning Division is authorized to reflect the recorded Certified Survey Map in the Comprehensive Plan and any applicable neighborhood plans.

BE IT FURTHER RESOLVED that the Common Council hereby authorizes the release of the Declaration of Restrictions recorded as Document No. 1732695.