



Legislation Text

File #: 54183, **Version:** 1

Fiscal Note

This vacation and discontinuance of approximately 27,241 sq. ft. or 0.62 acres of the remaining portion of Graaskamp Way within the plat of The Center For Industry & Commerce. No Appropriation Required.

Title

Discontinuing and vacating a portion of Graaskamp Way within the plat of The Center For Industry & Commerce, being located in the Northwest 1/4 of Section 16, Township 8 North, Range 10 East, City of Madison, Dane County, Wisconsin. (17th AD)

Body

WHEREAS, the plat of The Center For Industry & Commerce was conditionally approved by the City of Madison Common by Resolution No. 60240, File I.D. Number 33441, as adopted on the 18th of February, 2003 and the said Resolution provided for the acceptance of the lands dedicated for public street right-of-ways, including Graaskamp Way; and

WHEREAS, the plat of The Center For Industry & Commerce was subsequently recorded upon the satisfaction of the conditions of approval on the 8th of May, 2003 in Volume 58-024B of Plats on pages 129 - 134, as Document Number 3708481, Dane County Register of Deeds; and

WHEREAS, the Common Council adopted Resolution RES-13-00460, File I.D. Number 30382 on June 18, 2013 which authorized the execution of an "Agreement to Terminate the 'Agreement to Purchase and Undertake Development of the Northeast Industrial Property' " ("Purchase and Development Agreement") which was executed between the City of Madison ("City") and The Center for Industry & Commerce, LLC ("LLC") for the development of a mixed-use industrial park. Under the terms of the termination, in exchange for a mutual termination of the Purchase and Development Agreement by the City and LLC, the LLC was relieved of any remaining obligations under the Purchase and Development Agreement, thus providing the City of Madison full control of the remaining lands not yet purchased by a third party for development and sale; and

WHEREAS, the Common Council adopted Resolution RES-17-00047, File I.D. Number 45286, on January 17, 2018, discontinuing and vacating that part of Graaskamp Way lying southerly of John Wall Way to accommodate a new land division and proposed development plans. That discontinuance and vacation left a portion of Graaskamp Way lying between John Wall Way and Hoepker Road remaining as public right-of-way; and

WHEREAS, Ronald Regan Drive and Manufacturers Drive provide the necessary vehicular access to Hoepker Road to serve the demands of The Center for Industry and Commerce exclusive of the Graaskamp Way connection; and

WHEREAS, the existing lots adjacent to the remaining right-of-way of Graaskamp Way are undeveloped and will be reconfigured and/or combined to create larger parcels for disposal by the City of Madison for subsequent development. The lands adjacent to the remaining portion of Graaskamp Way do not require the public road connection of Graaskamp Way to Hoepker Road and would benefit from the discontinuance and vacation of Graaskamp Way, permitting larger and more flexible parcels to accommodate future development proposals; and

WHEREAS, City of Madison Engineering staff has prepared the necessary public right-of-way vacation and discontinuance legal description (Exhibit A) and map (Exhibit B) delineating all of the area to be vacated and

discontinued which are attached hereto and made part of this resolution; and

WHEREAS, to permit future lot reconfiguration and development, there are existing Public Utility Easements lying adjacent to the Graaskamp Way public right-of-way that are to be released as shown and labeled on attached Exhibit C, attached hereto and made part of this resolution; and

WHEREAS, to permit future lot reconfiguration and development, there are existing Vehicular Access Restrictions to be released and new Vehicular Access Restrictions to be created as shown and labeled on attached Exhibit D, attached hereto and made part of this resolution; and

WHEREAS, this vacation and discontinuance will not result in a landlocked parcel of property due to the current contiguous common ownership by the City of Madison of Lots adjacent to Graaskamp Way; and

WHEREAS, the City Engineering Division has consulted with other City Agencies and recommends approval of this public right-of-way discontinuance and vacation.

NOW THEREFORE BE IT RESOLVED, that since the public interest requires it, the City Of Madison hereby vacates and discontinues the public right-of-way of Graaskamp Way as described on attached Exhibit A and as mapped on attached Exhibit B, in accordance with Wisconsin ss. 66.1003(4); and

BE IT FURTHER RESOLVED, that under Section 66.1005(2)(a)(1), the City Of Madison the City Of Madison hereby retains a Permanent Limited Easement for grading and sloping within a portion the public right-of-way being vacated and discontinued as shown on attached Exhibit B and described on attached Exhibit A and releases all other easements and rights it may have within the public right-of-way being vacated and discontinued; and

BE IT FURTHER RESOLVED, that under Section 66.1005(2), Wisconsin Statutes, other than those easements and rights retained and released above, any other existing easements and rights that may exist within the vacated and discontinued public right-of-way 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, all currently being owned by the City of Madison; and

BE IT FURTHER RESOLVED, the Mayor and City Clerk of the City of Madison are hereby authorized to sign the necessary Public Utility Easement Release and Vehicular Access Restriction documents to be prepared by the City of Madison Office of Real Estate Services for the areas identified on attached Exhibit C and Exhibit D; and

BE IT FINALLY RESOLVED, upon Common Council adoption of this resolution, 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.