



## Legislation Text

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File #: 54751, Version: 1

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### Fiscal Note

This relief from conditions of gifts and dedication, Outlot 11, First Addition to 1000 Oaks containing 110,350 sq. ft. or 2.533 acres of area does not require expenditure of City funds.

### Title

Relief from conditions of gifts and dedication per Section 66.1025(1) Wisconsin Statutes, of Outlot 11, First Addition to 1000 Oaks for the replatting a portion of the development, being located in the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 28, Township 7 North, Range 8 East, City of Madison, Dane County, Wisconsin. (9th AD)

### Body

**WHEREAS**, the plat of First Addition to 1000 Oaks was conditionally re-approved by the City of Madison Common Council by Enactment Number RES-16-00231, File I.D. Number 42140, as adopted on the 29<sup>th</sup> of March, 2016 and the said Enactment provided for the acceptance of the lands dedicated to the public as Outlot 11 for Stormwater Management purposes; and

**WHEREAS**, the plat of First Addition to 1000 Oaks was subsequently recorded upon the satisfaction of the conditions of approval on the 20<sup>th</sup> of April, 2016 in Volume 60-051A of Plats on pages 265-272, as Document Number 5228591, Dane County Register of Deeds; and

**WHEREAS**, VH1000 Oaks LLC (developer) submitted an application with the Department of Planning & Community & Economic Development for a preliminary and final plat named 1000 Oaks Replat No. 2 replatting a portion of the plat of First Addition to 1000 Oaks in order to widen Sugar Maple Lane from 66 feet in width to 80 feet in width; and

**WHEREAS**, the 1000 Oaks Replat No. 2 preliminary plat and final plat have been conditionally approved by the City of Madison Common Council by Enactment Number RES-19-00106, File I.D. Number 53868, as adopted on the 5<sup>th</sup> of February, 2019, said Enactment provides the City of Madison to consider a resolution, as provided by Section 66.1025(1) of the Wisconsin Statutes, approving a relief from conditions of gifts and dedication for the lands dedicated to the public as shown on attached Exhibit A and described in attached Exhibit B and convey those described lands back to the dedicator (or the heirs of the dedicator) for replatting; and

**WHEREAS**, the conditionally approved 1000 Oaks Replat No. 2 alters the configuration of the lands dedicated to the public described in attached Exhibit B, therefore the configuration of the replat requires the said described lands be relieved from the conditions of gifts and dedication and conveyed back to the dedicator (or the heirs of the dedicator) for replatting; and

**WHEREAS**, the configuration of the conditionally approved 1000 Oaks Replat No. 2 and the conditions of approval thereof will provide the required and necessary areas to be dedicated to the public for public stormwater management facilities within the replat and the 1000 Oaks development in general; and

**WHEREAS**, D'Onofrio Kottke and Associates Inc., has prepared maps (Exhibit A) and legal description (Exhibit B) delineating the areas to be relieved from the conditions of gifts and dedication and conveyed to the dedicator (or the heirs of the dedicator), which are attached hereto and made part of this resolution; and

**WHEREAS**, the City Engineering Division recommends approval of the relief from conditions of gifts and

dedications and the conveyance of said lands described in attached Exhibit B for replatting as part of the conditions of approval for 1000 Oaks Replat No. 2, subject to conditions as noted herein.

**NOW THEREFORE BE IT RESOLVED**, that since the current dedication of the lands shown on Exhibit A and described in attached Exhibit B are impracticable due to the conditionally approved 1000 Oaks Replat No. 2, the City of Madison hereby relieves the lands from all existing conditions of gifts and dedications encumbering the lands and shall convey those lands to the dedicator (or the heirs of the dedicator), the lands being shown and described on the attached maps (Exhibit A) and legal description (Exhibit B), under Wisconsin ss.66.1025 (1), upon completion of the following conditions:

- VH1000 Oaks LLC, (developer) shall enter into any agreement(s) required by the City of Madison in conjunction with the approval of the proposed development.
- The conditions of approval for the preliminary and final plat shall be addressed to the satisfaction of the City of Madison Engineer.

**BE IT FINALLY RESOLVED**, upon Common Council adoption of this resolution and completion the conditions identified above to the satisfaction of the City Engineer, the City Engineer shall then authorize the City Of Madison Office of Real Estate Services Division of the Economic Development Division make effective this Relief From Conditions of Gifts and Dedication by recording an appropriate deed conveying the lands to the dedicator (or the heirs of the dedicator) as shown and described on the attached maps (Exhibit A) and legal description (Exhibit B) with the Dane County Register of Deeds.