



## Legislation Text

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File #: 63433, Version: 1

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### Fiscal Note

The proposed resolution vacates and discontinues approximately 64,865 sq. ft. or 1.4891 acres of unimproved public street rights-of-way within the plat of Village at Autumn Lake Replat to allow the replatting of a portion the development. No City appropriation is required.

### Title

Discontinuing and vacating multiple public unimproved street and alley rights-of-way within the plat of Village at Autumn Lake Replat to allow the replatting of a portion the development, being located in the Northeast 1/4 of the Southwest 1/4 of Section 26, Township 8 North, Range 10 East, City of Madison, Dane County, Wisconsin. (17th AD)

### Body

**WHEREAS**, the plat of Village at Autumn Lake Replat was conditionally approved by the City of Madison Common Council by Enactment Number RES-15-00467, File I.D. Number 37002, as adopted on the 19th of May, 2015 and the said Enactment provided for the acceptance of the lands dedicated for public street rights-of-way; and

**WHEREAS**, the plat of Village at Autumn Lake Replat was subsequently recorded upon the satisfaction of the conditions of approval on the 3rd of December, 2015 in Volume 60-045A of Plats on pages 230 - 249, as Document Number 5201276, Dane County Register of Deeds; and

**WHEREAS**, an application was made with the Department of Planning & Community & Economic Development for a preliminary and final plat of Village at Autumn Lake Replat No. 5 to replat a portion of the plat of Village at Autumn Lake Replat reconfiguring the lots, alleys and streets to integrate additional housing affordability and diversity within the neighborhood through the creation of new single family lot types and attached housing options; and

**WHEREAS**, the said plat of was conditionally approved by the City of Madison Common Council by Enactment Number RES-20-00779, File I.D. Number 62131, as adopted on the 17th of November, 2020; and

**WHEREAS**, the conditionally approved Village at Autumn Lake Replat No. 5 will alter and change some areas that have been previously dedicated to the public for public street and alley rights-of-way, and the replat may not be recorded until those areas previously dedicated to the public have been properly vacated and discontinued under s. 66.1003 Wisconsin Statutes; and

**WHEREAS**, portions of the unimproved public rights-of-way of Kayak Lane, Sanctuary Drive and an unnamed Public Alley lying between Autumn Lake Pkwy and Waterfall Way, all dedicated by the plat of Village at Autumn Lake Replat, are to be vacated and discontinued allowing for the replatting of the lands. D'Onofrio Kottke and Associates Inc. and City of Madison Engineering Division, have prepared the necessary public right-of-way vacation and discontinuance map (Exhibit A) and legal description (Exhibit B) delineating all of these areas to be discontinued, all Exhibits are attached hereto and made part of this resolution; and

**WHEREAS**, the current developer and owner have not constructed, nor has the City of Madison accepted any new public utilities or street improvements in conjunction with the Village at Autumn Lake Replat within any of the public rights-of-way to be vacated and discontinued; and

**WHEREAS**, this vacation and discontinuance will not result in a landlocked parcel of property due to the

current contiguous common ownership of the Lots of the plat of Village at Autumn Lake Replat adjacent to this proposed vacation and discontinuance; and

**WHEREAS**, the City Engineering Division recommends approval of these public right-of-way vacations and discontinuances subject to conditions as noted herein.

**NOW THEREFORE BE IT RESOLVED**, that since the public interest requires it, the City Of Madison hereby conditionally vacates and discontinues the public rights-of-way as shown on attached maps and legal descriptions, under Wisconsin ss. 66.1003(4), upon completion of the following condition:

- The Developer of Village at Autumn Lake Replat No. 5 shall enter into any agreement(s) required by the City of Madison in conjunction with the approval of the proposed development of Village at Autumn Lake Replat No. 5.
- The conditions of approval for the preliminary and final plat for the Village at Autumn Lake Replat No. 5 shall be addressed to the satisfaction of the City of Madison Engineer.

**BE IT FURTHER RESOLVED**, that under Section 66.1005(2)(a)(1), the City Of Madison releases all easements and rights it may have within the public right-of-ways being vacated and discontinued; and

**BE IT FURTHER RESOLVED**, under Section 66.1005(2), Wisconsin Statutes, other than those easements and rights retained and released above, any other existing easements and rights that exist within the vacated and discontinued public rights-of-way and unpaved public alleys 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 rights-of-way herein vacated and discontinued shall attach to the adjacent properties; and

**BE IT FINALLY RESOLVED**, upon Common Council adoption of this resolution and completion all street vacation and discontinuance conditions identified above to the satisfaction of the City Engineer, 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.