File #: 65031, **Version:** 1

Fiscal Note

This partial vacation and discontinuance of approximately 16,330 sq. ft. or 0.3749 acres of a portion of the public road right-of-way of Mineral Point Road does not require expenditure of City funds.

Title

Discontinuing and vacating a portion of the public road right-of-way of Mineral Point Road adjacent to the UW Research Park, being located in part of the NE ¼ of the NW ¼ of Section 30, Township 7 North, Range 9 East, City of Madison, Dane County, Wisconsin. (19th AD)

Body

WHEREAS, lands within the southerly side of the existing public right of Mineral Point Road lying between Rosa Road and former Gilbert Road were conveyed for Highway Purposes on September 11, 1957 by The Regents of the University of Wisconsin to Dane County per Document No. 947099, recorded on October 14, 1957 at the Dane County Register of Deeds. This area of right of way is currently adjacent to the University of Wisconsin Research Park; and

WHEREAS, this portion of the southern right of way of Mineral Point Road was annexed to the City of Madison in 1962. Over the intervening years, the City of Madison has taken all control and maintenance of the right of way and improvements of Mineral Point Road; and

WHEREAS, an application was made with the Department of Planning & Community & Economic Development by Mandel Group in partnership with University Research Park, Inc (hereinafter the "Developers") for a preliminary and final plat of Element District replatting Lots 1 - 3 of Dane County Certified Survey Map No 10343 and parts of Lots 38, 39 and 40 of University Research Park University of Wisconsin - Madison Second Addition. Additionally a second application was made by the Developers for a zoning map amendment of the same lands. Both being applications made to permit the future development of a new mixed use development; and

WHEREAS, the plat of Element District was conditionally approved by the City of Madison Common Council by Enactment Number RES-21-00114, File I.D. Number 63210, as adopted on the 2nd of February, 2021; and

WHEREAS, the said zoning map amendment was adopted by the City of Madison Common Council by Enactment Number ORD-21-00010, File I.D. Number 63441, as adopted on the 2nd of February, 2021; and

WHEREAS, the conditionally approved plat of Element District includes, within its boundaries, a portion of a 20 foot wide strip of land (hereinafter "proposed area of vacation") that lies within the current Mineral Point Road right-of-way. The proposed area of vacation lies southerly of, and behind, the existing public sidewalk lying within Mineral Point Road between Rosa Road and S. Whitney Way. This proposed area of vacation is not being utilized by the City of Madison for any Public Street Improvements or City of Madison Public Utilities at the present time. The Developers have requested that this proposed area of vacation be vacated and discontinued by the City of Madison, allowing the lands to attach to the adjacent parcels. In order to incorporate the portion of the 20 foot wide strip lying within the proposed plat of Element District, it is necessary that the proposed area of vacation be properly vacated and discontinued under s. 66.1003 Wisconsin Statutes; and

WHEREAS, D'Onofrio Kottke and Associates Inc. and City of Madison Engineering Division, have prepared the necessary partial public right-of-way vacation and discontinuance map (Exhibit A) and legal description

(Exhibit B) delineating the proposed area of vacation within Mineral Point Road that is to be vacated and discontinued. All Exhibits are attached hereto and made part of this resolution; and

WHEREAS, there are currently underground utilities within the said proposed area of vacation owned by Private Utility Companies having the right to serve the area as shown on Exhibit A; and

WHEREAS, the City Engineer requires the reservation of a Permanent Easement to the City of Madison for public sidewalk, public transportation amenities and grading over the entire proposed area of vacation; and

WHEREAS, this vacation and discontinuance will not result in a landlocked parcel of property; and

WHEREAS, the City Engineering Division recommends approval of this partial public right-of-way vacation and discontinuance being 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 right-of-way (Public Way) as shown on attached maps and legal descriptions, under Wisconsin ss. 66.1003(4), upon completion of the following condition:

- The Developers shall enter into any agreement(s) required by the City of Madison in conjunction with the approval of the proposed development of the plat of Element District.

- The conditions of approval for the preliminary and final plat for the plat of Element District shall be addressed to the satisfaction of the City of Madison Engineer.

BE IT FURTHER RESOLVED, that under Section 66.1005(2), the City Of Madison hereby retains a Permanent Easement for Public Sidewalk, Public Transportation Amenities and Grading over the public right-of-way being vacated and discontinued. The easement area shall be subject to the terms and conditions provided on attached Exhibit C; and

BE IT FURTHER RESOLVED, that under Section 66.1005(2), the City Of Madison hereby retains a Public Utility Easement for Public Bodies and Private and Public Utilities having the right to serve the area; and

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 with the exception of the two easements retained above; 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 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 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.