File #: 65252, **Version:** 1

Fiscal Note

This authorization to join a petition to vacate or alter a platted Public Service Strip does not require expenditure of City funds.

Title

Authorizing the City to Join a Petition to Vacate or Alter the Platted “Public Service Strip” Between Lots 11 and 12 in Block 20 of Nakoma, Plat of Blocks 19, 20, 21, 22, 23. (10th AD)

Body

WHEREAS, the Plat of Nakoma, Plat of Blocks 19, 20, 21, 22, 23 was recorded on July 5, 1916, and, as part of this Plat, between Lots 11 and 12, Block 20, there was created a 10 foot wide “Public Service Strip” that was dedicated to the public and accepted with the recording of the Plat; and,

WHEREAS, many decades ago, there was a public water main within this Public Service Strip. This water main has been abandoned for many decades and the Public Service Strip does not contain any City of Madison utility improvements or facilities. The Public Service Strip currently only contains an underground electric facility owned by Madison Gas & Electric (MG&E); and,

WHEREAS, the Public Service Strip bisects the two adjoining residential properties at 1105 and 1109 Waban Hill, creating non-adjacent tax-parcels and long standing encroachments within the Public Service Strip, while also limiting the property owners’ full use and enjoyment of their properties. A draft copy of a survey by D’Onofrio Kottke and Associates of the Public Service Strip and adjacent residential parcels is attached hereto and made part of this resolution; and,

WHEREAS, the City of Madison Water Utility and City of Madison Engineering Division have determined there is no further need for the Public Service Strip to remain for City of Madison Utilities and believe that the interests of MG&E can be provided by a Utility Easement rather than the current the Public Service Strip. Utility Easements are the typical instrument used by Utility Companies for the acquisition of the necessary rights for the installation and maintenance of their facilities; and,

WHEREAS, under Wis. Stat. § 236.40, a property owner may petition the Circuit Court to vacate or alter a portion of a Plat, and the property owners adjoining the Public Service Strip have expressed their intention to file such a petition in order to eliminate the strip and grant the underlying fee title to the two adjoining property owners; and,

WHEREAS, under Wis. Stat. § 236.43, the City must join in the application for vacation filed with the Circuit Court.

NOW THEREFORE, BE IT HEREBY RESOLVED that the vacation or alteration of the Public Service Strip located between Between Lots 11 and 12 in Block 20 of Nakoma, Plat of Blocks 19, 20, 21, 22, 23 is in the public’s interest as this Strip no longer serves its intended purpose and is a detriment to the use and enjoyment of the adjoining property; and,

BE IT FURTHER RESOVED that the City Attorney is authorized to join, on behalf of the City, the property owner petition to the Circuit Court, under Wis. Stat. § 236.40, to vacate or alter the Public Service Strip and to execute any documents in furtherance of said action.