



## Legislation Text

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File #: 80073, Version: 1

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### Fiscal Note

The proposed resolution vacates and discontinues approximately 163,858 sq. ft. or 3.762 acres of unimproved public street right-of-ways within the plat of University Research Park - Pioneer 1st Addition to allow the replatting of a portion of the development. No City funds required.

### Title

Vacating and discontinuing multiple unimproved public street right-of-ways within the plat of University Research Park - Pioneer 1st Addition to allow the replatting of a portion the development. Being located in the Northeast 1/4 of the Northwest 1/4, Southwest 1/4 of the Northwest 1/4, Northeast 1/4 of the Southwest 1/4, of Section 34, Township 7 North, Range 8 East, City of Madison, Dane County, Wisconsin. (District 1)

### Body

**WHEREAS**, the plat of University Research Park - Pioneer 1st Addition was conditionally approved by the City of Madison Common Council by Enactment Number RES-15-00469, File I.D. Number 38237, as adopted on the 19th of May, 2015 and the said Enactment provided for the acceptance of the lands dedicated for public street right-of-ways; and

**WHEREAS**, the plat of University Research Park - Pioneer 1st Addition was subsequently recorded upon the satisfaction of the conditions of approval on the 14th of March, 2016 in Volume 60-048B of Plats, on pages 257-259, as Document Number 5220401, 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 University Research Park - Pioneer 1st Addition Replat to replat the plat of University Research Park - Pioneer 1st Addition The replat reconfiguring the all of the lots, outlots and parts of Boyer Street within the plat; and

**WHEREAS**, the said plat of University Research Park - Pioneer 1st Addition Replat was conditionally approved by the City of Madison Common Council by Enactment Number RES-22-00766, File I.D. Number 73804, as adopted on the 11th of November, 2022; and

**WHEREAS**, an application was made with the Department of Planning & Community & Economic Development for re-approval of the final plat of University Research Park - Pioneer 1st Addition Replat, File ID 79552, to comply with Wis. Stat. 236.25(2)(b) requires that a final plat be offered for recording within 12 months of the approval of the plat and the under which the original approval dated November 1, 2022 is expected to expire, prior to recording;

**WHEREAS**, the conditionally approved University Research Park - Pioneer 1st Addition Replat will alter areas dedicated to the public for public street right-of-way, and the replat may not be recorded until those areas dedicated to the public for street right-of-ways by University Research Park - Pioneer 1st Addition have been properly vacated and discontinued under s. 66.1003 Wisconsin Statutes; and

**WHEREAS**, the unimproved public right-of-way of two sections of Boyer Street lying between Ancient Oak Lane and S. Pleasant View Road / CTH M and Valley View Road and Ancient Oak Lane, all dedicated by the plat of University Research Park - Pioneer 1st Addition, are to be vacated and discontinued. Wyser Engineering and City of Madison Engineering Division, have prepared the necessary public right-of-way vacation and discontinuance maps (Exhibit A) and legal descriptions (Exhibit B) delineating all of these areas to be discontinued, the 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 University Research Park - Pioneer 1st Addition within any of the public right-of-ways 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 University Research Park - Pioneer 1st Addition adjacent to these proposed areas of 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 right-of-ways as shown on attached Exhibit A and described on attached Exhibit B, under Wisconsin ss. 66.1003(2), upon completion of the following conditions:

- The Developer of University Research Park - Pioneer 1st Addition Replat shall enter into any agreement(s) required by the City of Madison in conjunction with the approval of the proposed development University Research Park - Pioneer 1st Addition Replat.
- The conditions of approval for the preliminary and final plat for the University Research Park - Pioneer 1st Addition Replat shall be addressed to the satisfaction of the City of Madison Engineer.

**BE IT FURTHER RESOLVED**, that, under Wisconsin ss. 66.1005(2)(a)(1) the City of Madison releases any 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 any other existing easements and rights that exist within the vacated and discontinued public right-of-ways 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 right-of-ways 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.