Legislation Text

File #: 81983, **Version:** 1

Fiscal Note

The proposed resolution vacates and discontinues approximately 150,497 sq. ft. or 3.4549 acres of unimproved public street right-of-ways within the plat of Village of Autumn Lake Replat to allow 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 Village at Autumn Lake Replat to allow the replatting of a portion the development. Being located in parts of both the Southwest 1/4 of the Southeast 1/4 and Northwest 1/4 of the Southeast 1/4 of Section 26, Township 8 North, Range 10 East, City of Madison, Dane County, Wisconsin. (District 17)

Body

WHEREAS, the plat of Village of 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 right-of-ways; and

WHEREAS, the plat of Village of 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 of Autumn Lake Replat No. 8 to replat a portion of the plat of Village of Autumn Lake Replat. The replat reconfiguring the lots, outlots and streets within the easterly portion of the plat; and

WHEREAS, the said plat of Village of Autumn Lake Replat No. 8 was conditionally approved by the City of Madison Common Council by Enactment Number RES-23-00727, File I.D. Number 79969, as adopted on the 21st of November, 2023; and

WHEREAS, the conditionally approved Village of Autumn Lake Replat No. 8 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 Village of Autumn Lake Replat have been properly vacated and discontinued under s. 66.1003 Wisconsin Statutes; and

WHEREAS, the unimproved public right-of-way of Clover Basin Lane, Wood Sorrel Court and portions of Breezewood Road, Staghorn Drive, Meadowhawk Drive, Expedition Drive, Firefly Drive and Wood Sorrel Street all dedicated by the plat of Village of Autumn Lake Replat, are to be vacated and discontinued. D'Onofrio Kottke and Associates Inc. 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 Village of Autumn Lake Replat 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 of Village of Autumn Lake Replat 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(4), upon completion of the following conditions:

- The Developer of Village of Autumn Lake Replat No. 8 shall enter into any agreement(s) required by the City of Madison in conjunction with the approval of the proposed development of Village of Autumn Lake Replat No. 8.

- The conditions of approval for the preliminary and final plat for the Village of Autumn Lake Replat No. 8 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.