

**VILLAGE OF WINDSOR
BOARD RESOLUTION 2016-04**

**APPROVING QUIT CLAIM DEED FOR OULOT TWO (2)
OF THE PLAT OF WOLF HOLLOW, VILLAGE OF WINDSOR, WI**

WHEREAS, on October 8, 2015, and as set forth in CDA Resolution 2015-02, the Community Development Authority of the Town of Windsor (“CDA”) was authorized to accept the conveyance by quit claim deed of Outlot 2 of the Plat of Wolf Hollow (“Outlot 2”) from CF Investments, LLC to the CDA; and

WHEREAS, on October 21, 2015, CF Investments, LLC quit claimed Outlot 2 to the CDA, all as set forth in the Quit Claim Deed recorded in the Dane County Register of Deeds office as Document No. 5194226, the original of which has been returned to Windsor and is part of Windsor’s records; and

WHEREAS, following the above conveyance, the Village of Windsor intends to vacate Outlot 2 as a public right-of-way and quit claim its interest in Outlot 2 to the CDA, thereby confirming that all property interests in Outlot 2 are vested in the CDA; and

WHEREAS, thereafter, the CDA intends to adjust the common boundary line between Outlot 2 and Windsor Crossing so that Outlot 2 becomes part of Windsor Crossing; and

WHEREAS, the Village of Windsor acknowledges that changes to public right-of-way resulting from the reconstruction of STH 51 eliminated the viability of further use of Outlot 2 as a public right-of-way and the public right-of-way was moved east to its current location where it was dedicated and improved as North Towne Road; and

WHEREAS, the Village of Windsor further acknowledges that Outlot 2 has not been improved and has never been worked as a public right-of-way; and

WHEREAS, the Village Board hereby takes the actions set forth herein.

NOW, THEREFORE, BE IT RESOLVED by the Village Board of the Village of Windsor as follows:

1. Windsor is authorized to convey to the CDA, by quit claim deed, any and all such interests as Windsor has in Outlot 2. The Village President is authorized to sign said quit claim deed, which shall be prepared by the Village Attorney.
2. Prior to such conveyance by quit claim deed, Windsor shall take such actions as are appropriate to vacate the dedicated but unimproved right-of-way and release the right-of-way restriction placed on Outlot 2. Such actions include the following:
 - a. Windsor shall initiate discontinuance of the public way described as Outlot 2 pursuant to Wis. Stat. §66.1003(4). The Village President is authorized to sign a Resolution declaring that the process for vacation and discontinuance of Outlot 2 is hereby commenced, a copy of which is attached as **Exhibit A** and incorporated

by reference, and such Resolution shall be recorded as required by law. Notice shall be provided as required by law and a public hearing shall be held no less than 40 days from the date of this Resolution 2016-04.

- b. Windsor hereby releases the public right-of-way restrictions on Outlot 2, as permitted by Wis. Stat. §236.293.
- c. Windsor authorizes the CDA to initiate vacation and alteration of Outlot 2 by the court as permitted by Wis. Stat. §236.43(4), but only if deemed necessary by an approving authority, and only if it is determined that Wis. Stat. §236.34(1)(cm) takes priority over statutory provisions otherwise authorizing the release of the public right-of-way restrictions on Outlot 2 and conveyance of the reversionary interests to the CDA.

The above and foregoing Resolution was duly adopted at a meeting of the Village Board of the Village of Windsor on the 21st day of January, 2016, by a vote of 5 in favor and 0 opposed.

VILLAGE OF WINDSOR

Robert E. Wipperfurth
Robert E. Wipperfurth, President

Bruce R. Stravinski
Bruce Stravinski, Trustee

Monica M. Smith
Monica M. Smith, Trustee

Donald G. Madefung
Donald G. Madefung, Trustee

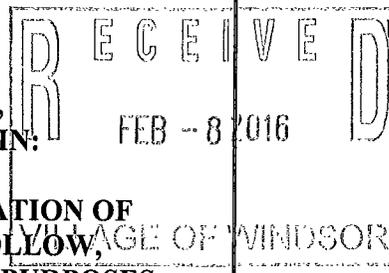
Alan Buchner
Alan Buchner, Trustee

Attested to by:

Tina Butteris
Tina Butteris, Deputy Village Clerk

Incorporated by Reference:

Exhibit A. Notice of Pendency to Vacate Outlot 2



VILLAGE OF WINDSOR,
DANE COUNTY, WISCONSIN:

KRISTI CHLEBOWSKI
DANE COUNTY
REGISTER OF DEEDS

DOCUMENT #
5213209
02/04/2016 11:45 AM
Trans. Fee:
Exempt #:
Rec. Fee: 30.00
Pages: 1

**NOTICE OF PENDENCY OF VACATION OF
OUTLOT 2, PLAT OF WOLF HOLLOW,
DEDICATED FOR RIGHT-OF-WAY PURPOSES
ON LOT 97, PLAT OF WOLF HOLLOW**

PLEASE TAKE NOTICE: The Village Board of the Village of Windsor, on **March 3, 2016**, on or about **5 p.m.**, at the **Village Municipal Building, 4084 Mueller Road, DeForest, WI**, will consider and may act on a final resolution providing for the discontinuance and vacation of a road dedicated as Outlot 2 in the Plat of Wolf Hollow. The dedicated right-of-way is between and adjacent to Lot 97 of the Plat of Wolf Hollow and Unit 1 of the Plat of Windsor Crossing. Outlot 2 has not been improved. Public comment will be heard prior to action by the Village Board. Additional information may be obtained from Amy Anderson Schwappe, the Director of Planning & Development, by calling 608-846-3854 during normal business hours.

THIS SPACE RESERVED FOR RECORDING DATA

RETURN TO:
Amy Anderson Schwappe
Village of Windsor
4084 Mueller Road
DeForest, WI 53532

DRAFTED BY:
Constance L. Anderson, Village Attorney
Anderson Consults, LLC
Connie@AndersonConsultsWI.com

PARCEL IDENTIFICATION NUMBER FOR LOT 97:

**RESOLUTION APPROVING NOTICE OF PENDENCY
AND COMMENCING PROCESS FOR VACATION OF OUTLOT 2**

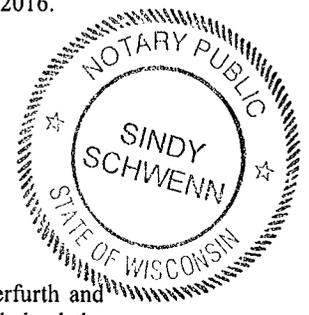
The Village Board of the Village of Windsor did resolve as follows on January 21, 2016:

1. The process for vacation and abandonment of Outlot 2, dedicated as public right-of-way and described above, is hereby commenced, all in accordance with Wis. Stats. sec. 66.1003(4).
2. The legal description of the right-of-way being considered for vacation and discontinuance is:
Outlot 2, Plat of Wolf Hollow, Village of Windsor, Dane County, Wisconsin.

Executed in the Village of Windsor, Dane County, Wisconsin effective as of this 21st day of January, 2016.

VILLAGE OF WINDSOR
Robert E. Wipperfurth
Robert E. Wipperfurth, Village President

Attested by:
Tina Butteris
Tina Butteris, Deputy Village Clerk



ACKNOWLEDGMENT

STATE OF WISCONSIN)
COUNTY OF DANE)
Personally came before me, this 21 day of January, 2016, the above-named Robert E. Wipperfurth and Tina Butteris to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Sindy Schwenn
Notary Public, State of Wisconsin. My commission expires on 3-18-18
Sindy Schwenn