

RESOLUTION 2018 - 29
A RESOLUTION RELEASING NO ACCESS RESTRICTION

WHEREAS, the plat of Brown Heights Third Edition in the City of Milton contained a "no access" restriction at the direction of the State of Wisconsin Department of Transportation which prohibited direct access from Lot 60 of that plat to State Highway 26; and

WHEREAS, State Highway 26 has been relocated and the road right-of-way which had been occupied by State Highway 26 is now occupied by Arthur Drive which is a City of Milton Street; and

WHEREAS, the State of Wisconsin Department of Transportation has determined that the City of Milton now has jurisdiction over the access rights of Lot 60 of said plat to that portion of the former State Highway 26 right-of-way now occupied by Arthur Drive; and

WHEREAS, Lot 60 has been subdivided by a CSM as more fully described below, into Lot 1 and Lot 2 with the result that Lot 2 has no direct access to a city street except by way of a 30 foot access easement on the northwest portion of the adjoining Lot 1; and

WHEREAS, pursuant to Wis. Stat. Sec. 236.293, the Common Council of the City of Milton has the authority to release or waive the "no access" restriction prohibiting direct access from Lot 2 of said CSM to what is now Arthur Drive; and

WHEREAS, the Common Council of the City of Milton has determined that it is appropriate to facilitate direct access from Lot 2 of said CSM to Arthur Drive by releasing the "no access" restriction prohibiting access of Lot 2 of said CSM to Arthur Drive.

NOW, THEREFORE, the Common Council of the City of Milton do hereby resolve:

The "no access" restriction set forth on Certified Survey Map Number 1776585 recorded on January 8, 2007 in Volume 30 of Certified Survey Maps of Rock County, Pages 310-312, a copy of which is attached, prohibiting access from Lot 2 of said Certified Survey Map to the adjacent right-of-way of Arthur Drive (formally S. T. H. 26) is hereby released.

Approved by the Common Council of the City of Milton this _____ day of October, 2018.

CITY OF MILTON

By:

Anissa Welch, Mayor

Attest:

Leanne Schroeder, City Clerk

Date adopted _____