

**TOWN OF ROXBURY
RESOLUTION NO. 2025-01**

**Final Resolution to Vacate and Discontinue a Portion of
Ballweg Drive in the Town of Roxbury, Dane County,
Wisconsin**

WHEREAS, Wis. Stat. §§ 82.10-82.12 permit the Town Board of the Town of Roxbury to vacate any town highway or portion of a town highway in the Town when the public interest requires it;

WHEREAS, it appears to be in the best interest of the public and the Town of Roxbury to vacate and discontinue a portion of Ballweg Drive, as further described below;

WHEREAS, the portion of Ballweg Drive proposed to be discontinued does not lie within one-quarter mile of a state trunk highway or connecting highway, does not contain a railroad crossing within its boundaries, and its discontinuance would not create a landlocked parcel of property;

WHEREAS, a “Preliminary Resolution to Vacate and Discontinue a Portion of Ballweg Drive in the Town of Roxbury, Dane County, Wisconsin” was adopted at a Town Board meeting held on December 2, 2024;

WHEREAS, a notice of the proposed vacation and discontinuance and the public hearing thereon was published as a Class 3 notice by posting said notice at one public place within the Town and posting on the Town’s website on December 3, 2024, and a copy of said notice was provided by registered mail to the owners of record of lands through which Ballweg Drive passes, the owners of record of all lands abutting Ballweg Drive, the Wisconsin Department of Natural Resources, and the Dane County Land Conservation Committee as required by Wis. Stat. § 82.10(4)(a);

WHEREAS, The Supervisors of the Town of Roxbury personally examined Ballweg Drive as required by Wis. Stat. § 82.11(1) prior to the public hearing;

WHEREAS, a public hearing before the Town Board was held on January 6, 2025, pertaining to the proposed vacation and discontinuance;

WHEREAS, the Town Board finds that all of the procedural requirements required by law have been fully complied with;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Town Board of the Town of Roxbury that:

1. The portions of Ballweg Drive more particularly described below and depicted on *Vacation Exhibit Map*, incorporated herein by reference, shall be and hereby are declared and ordered vacated and discontinued:

KRISTI CHLEBOWSKI
DANE COUNTY
REGISTER OF DEEDS

DOCUMENT #
6006295
01/14/2025 09:39 AM
Trans Fee:
Exempt #:
Rec. Fee: 30.00
Pages: 4

The above recording information verifies that this document has been electronically recorded and returned to the submitter.

Recording Area

Name and Return Address:

Town of Roxbury
7167 Kippley Road
Sauk City, WI 53583

N/A (right-of-way)

Parcel Identification Number (PIN):


Being part of the Northeast Quarter of the Southwest Quarter, Section 15, Town 9 North, Range 7 East, Town of Roxbury, Dane County, Wisconsin, described as follows:

Commencing at the West Quarter corner of Section 15; thence South 89°28'53" East along the East-West Quarter line, 1,984.48 feet to the Northeast corner of the West Half of the Northeast Quarter of the Southwest Quarter; thence South 00°06'34" West along the East line of the West Half of the Northeast Quarter of the Southwest Quarter, 34.33 feet to the South right-of-way line of County Trunk Highway Y and the point of beginning; thence South 89°46'19" East, 49.50 feet; thence South 00°06'34" West along the East right-of-way line of Ballweg Drive, 1,177.50 feet; thence South 89°46'19" East along the North right-of-way line of Ballweg Drive, 86.50 feet; thence South 00°06'34" West along the East right-of-way line of Ballweg Drive, 49.50 feet; thence North 89°46'19" West along the South right-of-way line of Ballweg Drive, 136.00 feet to the East line of the West Half of the Northeast Quarter of the Southwest Quarter; thence North 00°06'34" East along the East line of the West Half of the Northeast Quarter of the Southwest Quarter, also being the West right-of-way line of Ballweg Drive, 1,227.00 feet to the point of beginning. Containing 65,018 square feet (1.49 acres), more or less.

Also including those graveled portions of Ballweg Drive existing west of and immediately adjacent to the above-described portion of Ballweg Drive and located in the South Half of the Northeast Quarter of the Southwest Quarter of Section 15, Town 9 North, Range 7 East, Town of Roxbury, Dane County, Wisconsin, as depicted on the plat or map attached hereto as *Vacation Exhibit Map*, to the extent considered a town highway by virtue of the application of Wis. Stat. § 82.31(2)(a).

2. This Resolution shall be the highway order of the Town of Roxbury related to the discontinuance of the portion of Ballweg Drive described above.
3. This Final Resolution together with a copy of the map attached hereto as *Vacation Exhibit Map* shall be filed in the office of the Register of Deeds for Dane County, Wisconsin, as required by law.
4. Certified copies of this Final Resolution with a copy of the map attached hereto as *Vacation Exhibit Map* shall be submitted to the Dane County Highway Commissioner, as required by law.
5. The Town Attorney is directed to record a Release of Lis Pendens against the property described above.

Adopted this 6th day of January, 2025 by a vote of 3 Ayes, 0 Nays, 0 Abstentions.



Nicholas Ganser, Town Chair

ATTEST:



Lisa Meinholz, Town Clerk

CERTIFICATION

I, Lisa Meinholz, Town Clerk for the Town of Roxbury, Dane County, Wisconsin, hereby certify that the foregoing is a true and correct copy of the Final Resolution to Vacate and Discontinue a Portion of Ballweg Drive, Town of Roxbury, Dane County, Wisconsin, adopted by the Town Board of the Town of Roxbury at a regular meeting held on January 6, 2025, and that the same has been entered upon the minutes of said meeting.

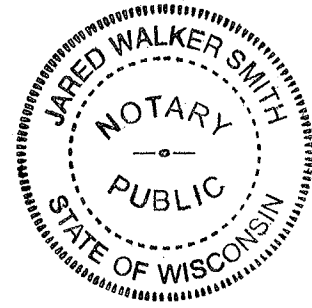
Lisa Meinholz
Lisa Meinholz, Town Clerk

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

Personally came before me this 6th day of January, 2025, the above named Nicholas Ganser, Town Chair, and Lisa Meinholz, Town Clerk, to me known to be the people who executed the foregoing instrument and acknowledged the same.

Jared Walker Smith
Jared Walker Smith
Notary Public, State of Wisconsin
My Commission is permanent

Drafted by: Jared Walker Smith, Boardman & Clark LLP, P.O. Box 927, Madison, WI 53701-0927



VACATION EXHIBIT MAP

BEING A PART THE NE1/4 OF THE SW1/4, SECTION 15,
T. 9 N., R. 7 E., TOWN OF ROXBURY, DANE COUNTY, WISCONSIN.

SE1/4-NW1/4

UNPLATTED LANDS BY KURT A. BRUENIG & BREEZELESS BLUE DAIRY LLC

W1/4 COR.
SEC. 15
1322.99'

S89°28'53"E — 5359.74'

E-W 1/4 LINE

1984.48'

C.T.H.

ASPHALT

R/W

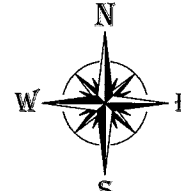
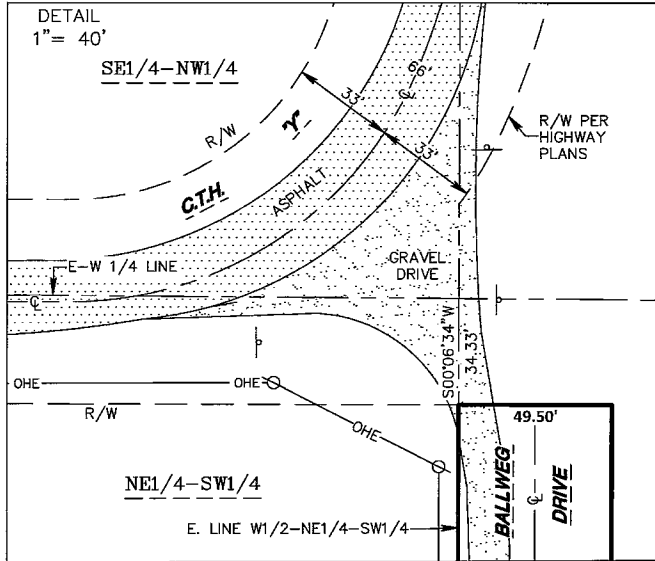
OHE

R/W

HIGHWAY JOB
NO. P.522

E1/4 COR.
SEC. 15

S89°46'19"E
49.50'



SCALE: 1" = 100'

BASIS OF BEARINGS:
E-W 1/4 OF SECTION 15
WHICH BEARS S89°28'53"E AS
REFERENCED TO GRID NORTH
DANE CO. COORDINATE
SYSTEM NAD83(2011).

THAT PORTION OF BALLWEG
DRIVE SHOWN ON THIS MAP
LYING NORTH OF THE AREA
MARKED "ROAD TO BE
DISCONTINUED" IS A HIGHWAY
BY VIRTUE OF IT HAVING
BEEN OPENED AND WORKED
AS A PUBLIC HIGHWAY FOR
10 YEARS PURSUANT TO WIS.
STAT. § 82.31(2)(A).

UNPLATTED LANDS BY
BREEZELESS BLUE DAIRY LLC
PARCEL 0907-153-8000-8

NE1/4-SW1/4
UNPLATTED LANDS BY
STEVEN H. & LAVERN S. SCHOEPP
PARCEL 0907-153-8070-4

**ROAD TO BE
DISCONTINUED**
65,018 SQ.FT.
1.49 ACRES

HIGHWAY ORDER
BY TOWN BOARD
DATED NOV. 5, 1962

LEGAL DESCRIPTION

Ballweg Drive to be Discontinued:

Being part of the Northeast Quarter of the Southwest Quarter, Section 15, Town 9 North, Range 7 East, Town of Roxbury, Dane County, Wisconsin, described as follows:

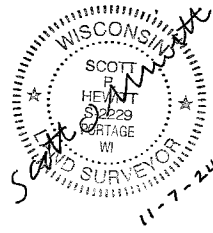
Commencing at the West Quarter corner of Section 15;
thence South 89°28'53" East along the East-West Quarter line, 1,984.48 feet to the Northeast corner of the West Half of the Northeast Quarter of the Southwest Quarter;
thence South 00°06'34" West along the East line of the West Half of the Northeast Quarter of the Southwest Quarter, 34.33 feet to the South right-of-way line of County Trunk Highway Y and the point of beginning;
thence South 89°46'19" East, 49.50 feet;
thence South 00°06'34" West along the East right-of-way line of Ballweg Drive, 1,177.50 feet;
thence South 89°46'19" East along the North right-of-way line of Ballweg Drive, 86.50 feet;
thence South 00°06'34" West along the East right-of-way line of Ballweg Drive, 49.50 feet;
thence North 89°46'19" West along the South right-of-way line of Ballweg Drive, 136.00 feet to the East line of the West Half of the Northeast Quarter of the Southwest Quarter;
thence North 00°06'34" East along the East line of the West Half of the Northeast Quarter of the Southwest Quarter, also being the West right-of-way line of Ballweg Drive, 1,227.00 feet to the point of beginning.
Containing 65,018 square feet (1.49 acres), more or less.

CLIENT

TOWN OF ROXBURY
7167 KIPPLEY ROAD
SAUK CITY, WI 53583

SURVEYOR

SCOTT P. HEWITT
P.O. BOX 373
625 E. SLIFER STREET
PORTAGE, WI 53901
PHONE PORTAGE: (608) 742-7788
PHONE SAUK PRAIRIE: (608) 644-8877
e-mail: surveying@grothman.com



LEGEND

- ⊕ COMPUTED CORNER
- 3/4" IRON ROD FND.
- ⊙ 1" IRON PIPE FND.
- ⊕ WELL
- ⊕ POWER POLE
- OHE— OVERHEAD UTILITY LINE
- ⊕ SIGN

1320.52'
W. LINE SW1/4
1320.00'47"E
2641.05'

1321.48'
SW COR.
SEC. 15

PARCEL 0907-153-9570-7

PARCEL 0907-153-9500-1