



Legislation Details (With Text)

**File #:** 39538      **Version:** 1      **Name:** Cherokee annexation  
**Type:** Ordinance      **Status:** Passed  
**File created:** 7/30/2015      **In control:** PLAN COMMISSION  
**On agenda:** 9/1/2015      **Final action:** 9/1/2015  
**Enactment date:** 9/12/2015      **Enactment #:** ORD-15-00090

**Title:** Creating Section 15.01(597) of the Madison General Ordinances entitled "City Boundaries" and being part of the chapter entitled "Aldermanic Districts and Wards" annexing to the 18th Aldermanic District the Cherokee Annexation and assigning a temporary zoning classification of A Agriculture District, creating Section 15.02(135) of the Madison General Ordinances to assign the attached property to Ward 135, and amending Sec. 15.03(18) to assign the attached property to the Eighteenth Aldermanic District.

**Sponsors:** Paul R. Soglin

**Indexes:**

**Code sections:**

**Attachments:** 1. Map, 2. Annexation Worksheet, 3. Staff Comments.pdf, 4. WisDOA Approval.pdf, 5. 39538 ROD COPY.pdf

Date	Ver.	Action By	Action	Result
9/1/2015	1	COMMON COUNCIL	Adopt	Pass
8/24/2015	1	PLAN COMMISSION	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
8/4/2015	1	COMMON COUNCIL	Refer	Pass
7/30/2015	1	Attorney's Office/Approval Group	Referred for Introduction	

**Fiscal Note**

Fiscal note pending.

**Title**

Creating Section 15.01(597) of the Madison General Ordinances entitled "City Boundaries" and being part of the chapter entitled "Aldermanic Districts and Wards" annexing to the 18th Aldermanic District the Cherokee Annexation and assigning a temporary zoning classification of A Agriculture District, creating Section 15.02 (135) of the Madison General Ordinances to assign the attached property to Ward 135, and amending Sec. 15.03(18) to assign the attached property to the Eighteenth Aldermanic District.

**Body**

DRAFTER'S ANALYSIS: In April 2007, the City of Madison entered into an Annexation Attachment Agreement with Cherokee Park Development, Inc., under which Cherokee and the City agreed to work cooperatively on a series of annexations that would bring the Cherokee development into the City over a period of years. As provided for in that Agreement, Cherokee has petitioned the City to annex a portion of the Cherokee development. This ordinance therefore annexes land in the Town of Westport pursuant to a petition.  
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An ordinance to create Subsection (597) of Section 15.01 of the General Ordinances of the City of Madison entitled "City Boundaries" and being part of the chapter entitled "Aldermanic Districts and Wards."  
WHEREAS, a petition with scale map attached was filed with the City Clerk of Madison on June 17, 2015, and mailed to the Clerk of the Town of Westport and the Municipal Boundary Review Section of the Wisconsin Department of Administration and has been presented to the City Common Council requesting annexation of the below-described territory to the City of Madison from the Town of Westport; said petition having been

signed by the owners of all the real property within the territory, which lies contiguous to the City of Madison and has no residents; and

WHEREAS, pursuant to Sec. 28.005, Madison General Ordinances, the annexed territory is declared to be in the A Agriculture District and the annexation and temporary zoning were considered by the Plan Commission at its meeting of August 24, 2015, and adoption of the said annexation and zoning were recommended; and WHEREAS, pursuant to Wis. Stat. § 66.0217(14)(a)1., the City of Madison agrees to pay annually to the Town of Westport, for five (5) years, an amount equal to the amount of property taxes that the town levied on the annexed territory, as shown by the tax roll under Wis. Stat. § 70.65, in the year in which the annexation is final; and

WHEREAS, an investigation by the City of Madison revealed that the above representations are true, and that the Municipal Boundary Review Section of the Wisconsin Department of Administration has found the annexation to be in the public interest; and

WHEREAS, having been reviewed, the Common Council now accepts the petition as sufficient and determines that the said annexation proceeding meets the requirements of the Wisconsin Statutes;

NOW, THEREFORE, the Common Council of the City of Madison do ordain as follows:

1. Subsection (597) of Section 15.01 of the Madison General Ordinances is hereby created to read as follows:

"15.01(597) - There is hereby attached to the 18th Aldermanic District, the City of Madison, Dane County, Wisconsin, the following described property:

Part of Lot 1, Certified Survey Map Number 2225, as recorded in Volume 9 of Certified Survey Maps, on Pages 16-18, as Document Number 1494556, Dane County Registry, and located in the NE ¼ and the SE ¼ of the SE ¼ of Section 24, all in T8N, R9E, Town of Westport, Dane County, Wisconsin more particularly described as follows:

Commencing at the Southeast corner of said Section 24; thence N02°02'25"E along the East line of said Section 24, 809.01 feet to the Easterly extension of the Northerly right-of-way line of Golf Parkway as recorded in Certified Survey Map 13029, Dane County Registry also being the point of beginning; thence along said Northerly right-of-way, N88°03'24"W, 33.00 feet to the Westerly right-of-way line of North Sherman Avenue; thence along said Westerly right-of-way line, N02°02'25"E, 218.41 feet; thence continuing along said Westerly right-of-way line, N02°04'50"E, 105.65 feet; thence N75°21'44"W, 239.42 feet; thence N14°38'16"E, 56.76 feet to the intersection with the Southeasterly extension of the Northeasterly line of Lot 1 Certified Survey Map 2225, Dane County Registry; thence N43°03'24"W, 239.42 feet along said Northeasterly line of Lot 1 to a bend point on the Northeasterly line of Lot 1, Certified Survey Map 2225, Dane County Registry; thence N02°44'24"W along the Northeasterly line of said Lot 1, 69.34 feet; thence N50°25'23"E, 68.71 feet; thence N18°56'32"E, 196.71 feet; thence N45°03'50"E, 290.57 feet; thence N05°38'36"E, 246.09 feet; thence S 87°55'10"E, 108.09 feet to the East line of Section 24, said line also being the corporate boundary of the Town of Westport; thence along said East line of said Section 24, S02°04'50"W, 1143.18 feet to the Northwest corner of Section 19, T8N, R10E, Town of Burke, Dane County, Wisconsin; thence continuing along the East line of said Section 24, S02°02'25"W, 218.35 feet to the point of beginning. This description contains approximately 279,778 square feet or 6.4228 acres or 0.0100 square miles."

2. Subsection (135) of Section 15.02 entitled "Wards and Ward Boundaries" of the Madison General Ordinances is created to read as follows:

"(135) Ward 135. Part of Lot 1, Certified Survey Map Number 2225, as recorded in Volume 9 of Certified Survey Maps, on Pages 16-18, as Document Number 1494556, Dane County Registry, and located in the NE ¼ and the SE ¼ of the SE ¼ of Section 24, all in T8N, R9E, Town of Westport, Dane County, Wisconsin more particularly described as follows:

Commencing at the Southeast corner of said Section 24; thence N02°02'25"E along the East line of said Section 24, 809.01 feet to the Easterly extension of the Northerly right-of-way line of Golf Parkway as recorded in Certified Survey Map 13029, Dane County Registry also being the point of beginning; thence along said Northerly right-of-way, N88°03'24"W, 33.00 feet to the Westerly right-of-way line of North Sherman Avenue; thence along said Westerly right-of-way line, N02°02'25"E, 218.41 feet; thence continuing along said Westerly right-of-way line, N02°04'50"E, 105.65 feet; thence N75°21'44"W, 239.42 feet; thence N14°38'16"E, 56.76 feet to the intersection with the Southeasterly extension of the

Northeasterly line of Lot 1 Certified Survey Map 2225, Dane County Registry; thence N43°03'24"W, 239.42 feet along said Northeasterly line of Lot 1 to a bend point on the Northeasterly line of Lot 1, Certified Survey Map 2225, Dane County Registry; thence N02°44'24"W along the Northeasterly line of said Lot 1, 69.34 feet; thence N50°25'23"E, 68.71 feet; thence N18°56'32"E, 196.71 feet; thence N45°03'50"E, 290.57 feet; thence N05°38'36"E, 246.09 feet; thence S 87°55'10"E, 108.09 feet to the East line of Section 24, said line also being the corporate boundary of the Town of Westport; thence along said East line of said Section 24, S02°04'50"W, 1143.18 feet to the Northwest corner of Section 19, T8N, R10E, Town of Burke, Dane County, Wisconsin; thence continuing along the East line of said Section 24, S02°02'25"W, 218.35 feet to the point of beginning. Polling place at Blackhawk Middle School, 1402 Wyoming Way. "

3. Subsection (18) of Section 15.03 entitled "Aldermanic Districts" of the Madison General Ordinances is amended to read as follows:

"(18) Eighteenth Aldermanic District. Wards 34, 35, 36, 37, 38, 112, ~~and~~ 118, and 135 ."

4. If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

EDITOR'S NOTE: Pursuant to Wis. Stat. § 66.0217(8), this annexation ordinance must be enacted by a two-thirds vote of the elected members of the Common Council or at least 14 votes.