



Legislation Text

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Fiscal Note

No City appropriation required

Title

Implementing the Final Attachment Area of the Town of Madison by creating Section 15.01(645) of the Madison General Ordinances entitled "City Boundaries" and being part of the chapter entitled "Aldermanic Districts and Wards" attaching to the 14th Alder District land generally located east of S Park Street and the Chicago and Northwestern Transportation Company railroad right of way, south of E Olin Avenue and John Nolen Drive, along and west of Rimrock Road, and north of the W Beltline Highway, hereinafter referred to as "Area 12"; repealing and re-creating Section 15.02(132) of the Madison General Ordinances to re-create Ward 132 to include a portion of Area 12; creating Section 15.02(153) of the Madison General Ordinances to create Ward 153 for the remainder of Area 12; and amending Section 15.03(14) to add Ward 153 to the 14th Alder District.

Body

DRAFTER'S ANALYSIS: On November 5, 2002, the Common Council adopted Resolution 59879 (ID 32734) authorizing the Mayor and City Clerk to execute an intergovernmental agreement among the City of Madison, Town of Madison, and City of Fitchburg regarding boundary changes and other urban growth and municipal service delivery issues pursuant to an approved cooperative plan under Wis. Stats. Ch. 66.0307. The agreement was executed on November 8, 2002. The subsequent cooperative plan was adopted by the Common Council on April 8, 2003 by Resolution 60411 (ID 33561) and was approved by the State of Wisconsin on October 10, 2003. The final cooperative plan established the final attachment of the Town of Madison to the cities of Madison and Fitchburg at 11:59 p.m. on October 30, 2002.

The final attachments of the portions of the Town of Madison accruing to the City of Madison will be adopted as a series of ordinances corresponding to discrete areas of the Town. This ordinance encompasses the area of the Town hereinafter referred to as "Area 12" that is generally located east of S Park Street and the Chicago and Northwestern Transportation Company railroad right of way, south of E Olin Avenue and John Nolen Drive, along and west of Rimrock Road, and north of the W Beltline Highway and W Badger Road. This westerly portion of Area 12 is located in the 4th Dane County Supervisory District and will therefore be located in newly created Ward 153.

The remainder of Area 12 is the 23rd Supervisory District. During the State-mandated remapping of wards this spring, a portion of the 23rd District already in the City of Madison on the east side of Rimrock Road at the W Beltline Highway located in the 16th Senatorial District and 47th Assembly District was placed in newly created Ward 132. This ordinance expands Ward 132 to encompass the portion of Attachment Area 12 in the respective 23rd, 16th and 47th Districts.

The zoning of this attachment area will be addressed in a subsequent ordinance.

An ordinance to create Subsection (645) 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, the City of Madison, Town of Madison, and City of Fitchburg entered into a cooperative plan pursuant to Wis. Stat. § 66.0307 providing for the final attachment of the Town of Madison to the City of

Madison and City of Fitchburg; and

WHEREAS the area hereinafter described as "Area 12" shall attach to the City of Madison consistent with the Final City of Madison, City of Fitchburg and Town of Madison Cooperative Plan adopted by the State of Wisconsin on October 10, 2003; and

WHEREAS, parts of Area 12 are located in two different Dane County supervisory districts; and

WHEREAS, Wisconsin Statutes require that wards be comprised of lands in the same supervisory, assembly, and senatorial districts; and

WHEREAS the portion of Area 12 located east of S Park Street, north of W Badger Road, south of Penn Park, and west of the Chicago and Northwestern Transportation Company railroad right of way is located in 4th Dane County Supervisory District and will therefore comprise new Ward 153. The remaining lands in Area 12 will be added to existing Ward 132; and

WHEREAS, investigation by the City of Madison discloses that as of this date the above representations are true, the Common Council now accepts that the said attachment proceeding meets the requirements of said cooperative plan approved pursuant to Wis. Stat. § 66.0307;

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

1. Subsection (645) of Section 15.01 of the Madison General Ordinances is hereby created to read as follows:

"15.01(645) - There is hereby attached to the 14th Alder District of the City of Madison, Dane County, Wisconsin, the following described property:

(AREA 12)

Part of Lots 6-8, Capital City Land Company's Subdivision, recorded in Vol. 2 of Plats on Pg. 38 as Document No. 243518; part of Vacated Buick Street, recorded in Document No. 759613; Lots 3-5, part of Lots 6, 7, 18, part of Lots 19, 21-23, Hammersley Heights, recorded in Vol. 4 of Plats on Pg. 2 as Document No. 279393; Lots 1-2, CSM 12892, recorded in Vol. 82 of CSMs on Pg. 29-33 as Doc 4653363; Lots 1-3, CSM 4571, recorded in Vol. 20 of CSMs on Pg. 58-63 as Doc 1865723; Lots 1-2, CSM 5298, recorded in Vol. 24 of CSMs on Pg. 109-110 as Document No. 2033829; Lots 1-4, CSM 1905, recorded in Vol. 8 of CSMs on Pg. 11-12 as Document No. 1455694; Lots 1-3, CSM 1172, recorded in Vol. 5 of CSMs on Pg. 58-59 as Document No. 1367948; parts of Lots 1-4 and 7, Block 2, W.H. Jacobs and E.S. Barker's, recorded in Vol. 2 of Plats on Pg. 1 as Document No. 217049; Lot 1, CSM 9671, recorded in Vol. 55 of CSMs on Pg. 297-301 as Document No. 3208709; parts of Lots 1-2, CSM 2940, recorded in Vol. 11 of CSMs on Pg. 334-335 as Document No. 1587517; Lot 1 and Outlot 1, CSM 9780, recorded in Vol. 56 of CSMs on Pg. 263-266 as Document No. 3239096 and other lands being located in part of the NE 1/4, NW 1/4, SW 1/4 and SE 1/4 of the SW 1/4 of Section 25, and also part of the SE 1/4 of the SE 1/4 of Section 26 and also part of the NE 1/4, NW 1/4, SW 1/4 and SE 1/4 of the NW 1/4 of Section 36 and also part of the NE 1/4, SW 1/4 and SE 1/4 of the NE 1/4 of Section 35, all located in Town 7 North, Range 9 East, Dane County, Wisconsin, including the right-of-ways of E Olin Avenue, John Nolen Drive, Bram Street, Buick Street, W Badger Road, Nygard Street, Sundstrom Street, N Rusk Avenue, W Beltline Highway, E Rusk Avenue, S Beltline Court, and Rimrock Road, more fully described as follows:

Commencing at the Center of said Section 35; thence Easterly, 592.55 feet, more or less, along the South line of the SW 1/4 of the NE 1/4 of said Section 35 to a point on said South line located 62 feet, more or less, east of the east line of Lot 2 of CSM 2347, said point of intersection being the Point of Beginning of this description; thence Northerly parallel to the east line of said Lot 2, 290.5 feet, more or less; thence Westerly, along the

north line of said lands per Document No. 3928527 and lands conveyed by Document No. 3133493, 270 feet, more or less, to the Southeast corner of lands conveyed by Document No. 3160144; thence Northerly, 894 feet, more or less, along the east line of said lands per Document No 3160144 and northerly passing 100 feet east of the northwest corner of lands conveyed by Document No. 2265627 to the centerline of Buick Street; thence Easterly, along said centerline, including the vacated portion thereof, 1013 feet, more or less, to the Easterly right-of-way line of the former Chicago and Northwestern Transportation Company (now owned by the Wisconsin Department of Transportation-Leased to Wisconsin and Southern Railroad); thence Northerly, along the various courses of said Easterly railroad right-of-way line, 680 feet, more or less, to the South line of Lot 24, Hammersley Heights; thence Easterly, along the said South line and its Easterly prolongation, 530 feet, more or less, to a line that is parallel to and 30 feet East of, as platted in said Hammersley Heights and measured at right angles to, the West line of Sundstrom Street; thence Southerly, on said parallel line, 522 feet, more or less, to its point of intersection with the Easterly prolongation of the North line of Lot 17, Hammersley Heights; thence Westerly, along said Easterly prolongation and North line of Lot 17, 162 feet, more or less, to the Northwest corner of said Lot 17; thence Southerly, along the West line of said Lot 17 and its Southerly prolongation, 332.75 feet, more or less, to the centerline of Nygard Street, as platted in said Hammersley Heights; thence Easterly, along the said centerline, 956 feet, more or less, to a point on the East line of said Section 35; thence Northerly, along said East line, 1654 feet, more or less, to the Northeast corner of said Section 35, also being the Southeast Corner of said Section 26; thence $N89^{\circ}06'16''W$ along the South line of said Section 26, 396.42 feet; thence $N00^{\circ}53'40''E$, 351.35 feet, to a point of curve; thence along a curve to the right, convex to the Northwest, having a radius of 650.00 feet and a long chord that bears $N36^{\circ}40'10''E$, 759.99 feet; thence $N72^{\circ}26'40''E$, 154.03 feet, to a point of curve; thence along a curve to the left, convex to the Southeast, having a radius of 650.00 feet and a long chord that bears $N47^{\circ}20'10''E$, 551.63 feet; thence $N22^{\circ}13'40''E$, 250.00 feet to a point of curve; thence along a curve to the left, convex to the Southeast, having a radius of 375.00 feet and a chord that bears $N06^{\circ}32'20''E$, 202.81 feet; thence $N09^{\circ}09'00''W$, 277.98 feet, to a point of curve; thence along a curve to the right, convex to the Northwest having a radius of 375.00 feet and a long chord that bears $N05^{\circ}05'10''E$, 184.44 feet; thence $N19^{\circ}19'20''E$, 200.00 feet, to the centerline of E Olin Avenue (also formerly known as the City Route for US Highway 12 and 18); thence Southeasterly, along said centerline of E Olin Avenue/John Nolen Drive (being said former U.S. Highway 12 and 18) 2819 feet, more or less, to its point of intersection with the West line of the SE 1/4 of said Section 25; thence Southerly, along the said West line of the SE 1/4, 468 feet, more or less, to the South Quarter corner of said Section 25, also being the North Quarter corner of said Section 36; thence $S00^{\circ}23'29''W$ along the East line of the NW 1/4 of said Section 36, 1161.71 feet, to the Northeast corner of CSM 14819; thence $N89^{\circ}05'27''W$, along the North line of said CSM and its westerly prolongation, 833.5 feet, more or less, to the intersection with the original centerline of Rimrock Road; thence Southwesterly along said centerline, 1159 feet, more or less, to the intersection with the easterly extension of the southern right-of-way of the W Beltline Highway (US Highways 12 and 18) lying southerly of Reference Line "F" as established in State of Wisconsin Right of Way Project No. 1206-03-24 ("Project"); thence $N82^{\circ}59'58''W$, along said southern Project right-of-way and its easterly extension, 390 feet, more or less; thence $S82^{\circ}29'58''W$, along said southern Project right-of-way, 146.05 feet; thence $S70^{\circ}10'43''W$, along said Project right-of-way, 144.11 feet; thence 206.61 feet along a curve of said Project right-of-way, being a curve to the right with a radius of 11,569.16 feet and a long chord that bears $S67^{\circ}33'47''W$, 206.60 feet; thence $S00^{\circ}03'47''W$ along said Project right-of-way, 21.57 feet; thence 388.62 feet along a curve of said Project right-of-way, being a curve to the right with a radius of 11,589.16 feet and a long chord that bears $S69^{\circ}04'31''W$, 388.60 feet; thence $S70^{\circ}02'09''W$, along said Project right-of-way, 158.44 feet, to a line that is parallel to and 33 feet North of, measured at right angles to, the South line of the Northwest 1/4 of said Section 36; thence westerly, along said parallel line, 143 feet, more or less, to the intersection with a line lying 68 feet southeasterly of and parallel with the main Reference Line of said State of Wisconsin Right of Way Project No. 1206-03-24 and northwesterly of the of the existing pavement of E Badger Road (a frontage road); thence Southwesterly, 132 feet, more or less, parallel with and 68 feet southwesterly of the said Reference Line to a point at station 577+25, 68 feet right, (southeast) of said Reference line and lying northwesterly of said pavement; thence Southwesterly, 325.15 feet to a point at station 574+00, 78 feet right, (southeast) of said Reference Line and lying northwesterly of said pavement; thence Southwesterly, 533 feet, more or less, parallel with and 78 feet southwesterly of said Reference Line, and lying northwesterly of said pavement, to

the intersection with the northwesterly prolongation of the easterly line of Lot 1, said CSM 6493; thence Northwesterly, along said northwesterly prolongation and City Limits, 344 feet, more or less, to the intersection with the North line of the SE 1/4 of said Section 35; thence Westerly, along the said North line of the SE 1/4, 1,017 feet, more or less, to the Point of Beginning. Said described area contains approximately 282.72 acres, 12,315,234 square feet, and 0.442 square miles, more or less."

2. Subsection (132) of Section 15.02 entitled "Wards and Ward Boundaries" of the Madison General Ordinances is hereby repealed and re-created to read as follows:

"(132) Ward 132. Commencing at the Center of said Section 35; thence Easterly, 1319.7 feet, more or less, along the South line of the SW 1/4 of the NE 1/4 of said Section 35 to a point on said South line located 33.02 feet, more or less, south of the Southwesterly corner of Lot 1, CSM 4571, said point of intersection being the Point of Beginning of this description; thence N01°18'48"W along the Westerly line of said Lot 1 and its Southerly prolongation, 957.7 feet, more or less; thence continuing N00°37'09"W along the Westerly line of said Lot 1, 305.25 feet (per CSM 4571) to the northwestern corner of said Lot 1; thence continuing N00°37'09"W along the Easterly line of the right of way of the former Chicago and Northwestern Transportation Company (now owned by the Wisconsin Department of Transportation-Leased to Wisconsin and Southern Railroad), 45.2 feet, more or less, said line also being the Westerly line of the right of way of Nygard Street; thence Easterly along the Northerly line of said Nygard Street right of way, 18.6 feet, more or less, thence N00°06'09"W along the Westerly line of said Nygard Street right of way a distance of 22 feet, more or less, to the Southwesterly corner of Lot 2 of CSM 12892; thence continuing N00°06'09"W the along said West line, 308.32 feet to the Northwesterly corner of said Lot 2; thence Northerly, along the various courses of said Easterly railroad right-of-way line, 371.7 feet, more or less, to the South line of Lot 24, Hammersley Heights; thence Easterly, along the said South line and its Easterly prolongation, 530 feet, more or less, to a line that is parallel to and 30 feet East of, as platted in said Hammersley Heights and measured at right angles to, the West line of Sundstrom Street; thence Southerly, on said parallel line, 522 feet, more or less, to its point of intersection with the Easterly prolongation of the North line of Lot 17, Hammersley Heights; thence Westerly, along said Easterly prolongation and North line of Lot 17, 162 feet, more or less, to the Northwest corner of said Lot 17; thence Southerly, along the West line of said Lot 17 and its Southerly prolongation, 332.75 feet, more or less, to the centerline of Nygard Street, as platted in said Hammersley Heights; thence Easterly, along the said centerline, 956 feet, more or less, to a point on the East line of said Section 35; thence Northerly, along said East line, 1654 feet, more or less, to the Northeast corner of said Section 35, also being the Southeast Corner of said Section 26; thence N89°06'16"W along the South line of said Section 26, 396.42 feet; thence N00°53'40"E, 351.35 feet, to a point of curve; thence along a curve to the right, convex to the Northwest, having a radius of 650.00 feet and a long chord that bears N36°40'10"E, 759.99 feet; thence N72°26'40"E, 154.03 feet, to a point of curve; thence along a curve to the left, convex to the Southeast, having a radius of 650.00 feet and a long chord that bears N47°20'10"E, 551.63 feet; thence N22°13'40"E, 250.00 feet to a point of curve; thence along a curve to the left, convex to the Southeast, having a radius of 375.00 feet and a chord that bears N06°32'20"E, 202.81 feet; thence N09°09'00"W, 277.98 feet, to a point of curve; thence along a curve to the right, convex to the Northwest having a radius of 375.00 feet and a long chord that bears N05°05'10"E, 184.44 feet; thence N19°19'20"E, 200.00 feet, to the centerline of E Olin Avenue (also formerly known as the City Route for US Highway 12 and 18); thence Southeasterly, along said centerline of E Olin Avenue/John Nolen Drive (being said former U.S. Highway 12 and 18) 2819 feet, more or less, to its point of intersection with the West line of the SE 1/4 of said Section 25; thence S00°23'29"W, along the said West line of the SE 1/4, 468 feet, more or less, to the South Quarter corner of said Section 25, also being the North Quarter corner of said Section 36; thence continuing S00°23'29"W along the East line of the NW 1/4 of said Section 36, 1161.71 feet, to the Northeast corner of CSM 14819; thence N89°05'27"W along said north line of CSM 14819, 329.30 feet, more or less; thence S00°23' 51"W, 160.91 feet, more or less, to the intersection with the south line of the said NE 1/4 of the NW 1/4 of said Section 36; thence N89°05'27"W along said south line of the NE 1/4 of the NW 1/4 of said Section 36, 544.65 feet, more or less, to the intersection with the original centerline of Rimrock Road as shown in Right-Of-Way Plat-Project F04-2(30); thence Southwesterly along said centerline, 993.44 feet, more or less, to the intersection with the easterly extension of the southern right-

of-way of the W Beltline Highway (US Highways 12 and 18) lying southerly of Reference Line "F" as established in State of Wisconsin Right of Way Project No. 1206-03-24 ("Project"); thence N82°59'58"W, along said southern Project right-of-way and its easterly extension, 390 feet, more or less; thence S82°29'58"W, along said southern Project right-of-way, 146.05 feet; thence S70°10'43"W, along said Project right-of-way, 144.11 feet; thence 206.61 feet along a curve of said Project right-of-way, being a curve to the right with a radius of 11,569.16 feet and a long chord that bears S67°33'47"W, 206.60 feet; thence S00°03'47"W along said Project right-of-way, 21.57 feet; thence 388.62 feet along a curve of said Project right-of-way, being a curve to the right with a radius of 11,589.16 feet and a long chord that bears S69°04'31"W, 388.60 feet; thence S70°02'09"W, along said Project right-of-way, 158.44 feet, to a line that is parallel to and 33 feet North of, measured at right angles to, the South line of the Northwest 1/4 of said Section 36; thence westerly, along said parallel line, 143 feet, more or less, to the intersection with a line lying 68 feet southeasterly of and parallel with the main Reference Line of said State of Wisconsin Right of Way Project No. 1206-03-24 and northwesterly of the of the existing pavement of E Badger Road (a frontage road); thence Southwesterly, 132 feet, more or less, parallel with and 68 feet southwesterly of the said Reference Line to a point at station 577+25, 68 feet right, (southeast) of said Reference line and lying northwesterly of said pavement; thence Southwesterly, 325.15 feet to a point at station 574+00, 78 feet right, (southeast) of said Reference Line and lying northwesterly of said pavement; thence Southwesterly, 533 feet, more or less, parallel with and 78 feet southwesterly of said Reference Line, and lying northwesterly of said pavement, to the intersection with the northwesterly prolongation of the easterly line of Lot 1, said CSM 6493; thence Northwesterly, along said northwesterly prolongation, 344 feet, more or less, to the intersection with the North line of the SE 1/4 of said Section 35; thence Westerly, along the said North line of the SE 1/4, 289 feet, more or less, to the Point of Beginning. Polling place at Catholic Multicultural Center, 1862 Beld Street."

3. Subsection (153) of Section 15.02 entitled "Wards and Ward Boundaries" of the Madison General Ordinances is hereby created to read as follows:

"(153) Ward 153. Commencing at the Center of said Section 35; thence Easterly, 592.55 feet, more or less, along the South line of the SW 1/4 of the NE 1/4 of said Section 35 to a point on said South line located 62 feet, more or less, east of the east line of Lot 2 of CSM 2347, said point of intersection being the Point of Beginning of this description; thence Northerly parallel to the east line of said Lot 2, 290.5 feet, more or less; thence Westerly, along the north line of said lands per Document No. 3928527 and lands conveyed by Document No. 3133493, 270 feet, more or less, to the Southeast corner of lands conveyed by Document No. 3160144; thence Northerly, 894 feet, more or less, along the east line of said lands per Document No 3160144 and northerly passing 100 feet east of the northwest corner of lands conveyed by Document No. 2265627 to the centerline of Buick Street; thence Easterly, along said centerline, including the vacated portion thereof, 1013 feet, more or less, to the Easterly right of way line of the former Chicago and Northwestern Transportation Company (now owned by the Wisconsin Department of Transportation-Leased to Wisconsin and Southern Railroad), said Easterly line also being the West line of Lot 2, CSM 12892; thence S00°06'09"E along said West line, 168 feet, more or less, to a point on the North line of Nygard Street; thence continuing S00°06'09"E along the Westerly line of said Nygard Street right of way a distance of 22 feet, more or less; thence Westerly along the Northerly line of said Nygard Street right of way, 18.6 feet, more or less, to a point on the Easterly line of said Chicago and Northwestern Transportation Company right of way; thence S00°37'09"E along said railroad right of way, 45.2 feet, more or less, to the northwestern corner of Lot 1, CSM 4571; thence continuing S00°37'09"E along the Westerly line of said Lot 1, 305.25 feet (per CSM 4571); thence S01°18'48"E along the Westerly line of said Lot 1 and its Southerly prolongation, 957.7 feet, more or less, to the South line of the SW 1/4 of the NE 1/4 of said Section 35; thence Westerly along said South line, 719.4 feet, more or less, to the Point of Beginning. Polling place at Madison College-Goodman South Campus, 2429 Perry Street."

4. Subsection (14) of Section 15.03 entitled "Alder Districts" of the Madison General Ordinances is amended to read as follows:

“(14) Fourteenth Alder District . Wards 74, 75, 76, 77, 78, 132, 133, 144, 145, 148, and 149, and 153.”

5. 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.

6. This ordinance shall take effect at 11:59 p.m. on October 30, 2022 in accordance with the terms of the agreement and plan.