



## Legislation Text

File #: 40801, Version: 1

### Fiscal Note

No fiscal impact.

### Title

Amending Section 15.01(575) of the Madison General Ordinances entitled "City Boundaries" and being part of the chapter entitled "Aldermanic Districts and Wards" attaching to the 17th Aldermanic District property addressed as 735 Eagle Crest Drive; creating Section 15.02(136) of the Madison General Ordinances entitled "Aldermanic Districts and Wards" to attach the property to Ward 136; amending Section 15.03(17) to add Ward 136 to Aldermanic District 17; and creating Section 28.022 - 00212 to assign the zoning of SR-C2 (Suburban Residential - Consistent District 2) District to said property.

### Body

DRAFTER'S ANALYSIS: On October 19, 2010, the Common Council adopted Ordinance ID 10-00102 (ID 19997) to attach 0.61 acres of land located at 4792 Eagle Crest Drive, Town of Burke based on a petition from the property owner, who sought to connect a new residence on the parcel to City of Madison water and sewer located in Eagle Crest Drive. Pursuant to the Cooperative Plan with the Town of Burke, City of Sun Prairie, Village of DeForest, a property owner may obtain municipal water and sewer with an agreement to pay for the costs of the service and a requirement to attach to the City with a delayed effective date of five years. At the time the ordinance was passed it would not have been possible to predict the exact boundaries of the aldermanic district, ward or polling place as of the five year effective date. Accordingly, this ordinance attaching the property did not assign an aldermanic district, ward or polling place for the property. This ordinance does that. This ordinance also assigns SR-C2 zoning to the property.

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An ordinance to amend Subsection (575) 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 Town of Burke, Village of DeForest, City of Sun Prairie and City of Madison entered into a cooperative plan dated January 5, 2007 pursuant to Wis. Stat. § 66.0307, which allows owners of properties to obtain municipal water and sewer with an agreement to pay for the costs of the service and a requirement to attach to the City with a delayed effective date of five (5) years; and

WHEREAS on September 13, 2010, the City of Madison Clerk received a petition executed by Diane M. Sturdevant, owner of real property located at 4792 Eagle Crest Drive, Town of Burke, to attach her property to the City of Madison as a condition of her connecting to available municipal water and sanitary sewer in Eagle Crest Drive; and

WHEREAS following written notification to the Town of Burke as required in said Cooperative Plan, the Common Council adopted Ordinance ID 10-00102 (ID 19997) on October 19, 2010, to attach said property to the City with a delayed effective date of November 1, 2015; and

WHEREAS said ordinance did not stipulate the aldermanic district or ward for said attached property or assign a polling place;

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

1. Subsection (575) of Section 15.01 of the Madison General Ordinances is hereby amended to read as follows:

"15.01(575) - There is hereby attached to the 17th Aldermanic District, the City of Madison, Dane County, Wisconsin, the following described property:

Being a part of the Southeast Quarter of the SE ¼ of Section 34, Township 08N, Range 10E, Town of Burke, Dane County, Wisconsin, more fully described as follows:

Commencing at the southeast corner of Lot 1, Certified Survey Map Number 11073, as recorded in Volume 66 of Certified Survey Maps, on pages 265-268, as Document Number 3916860, Dane County Registry; thence

S89°57'W along the south line of said CSM, 143.55 feet to the point of beginning; thence S00°02'12"W, 150.00 feet; thence S89°57'W, 178.1 feet, more or less, to the centerline of Eagle Crest Drive; thence N00°02'40"W to the westerly extension of the south line of the aforementioned Certified Survey Map Number 11073; thence N89°57'E along said south line, 178.31 feet, more or less, to the point of beginning. Said area contains 26,730 square feet or 0.6136 acres. (Bearings are based upon the west line of the SE Quarter of the SE Quarter of said Section 34 assumed to bear N00°06'E per Andrew Dahlen Map 3332.)"

2. Subsection (136) of Section 15.02 entitled "Wards and Ward Boundaries" of the Madison General Ordinances is created to read as follows:

"(136) Ward 136. "Being a part of the SE ¼ of the SE ¼ of Section 34, Township 08N, Range 10E, Town of Burke, Dane County, Wisconsin, more fully described as follows:  
Commencing at the southeast corner of Lot 1, Certified Survey Map Number 11073, as recorded in Volume 66 of Certified Survey Maps, on pages 265-268, as Document Number 3916860, Dane County Registry; thence S89°57'W along the south line of said CSM, 143.55 feet to the point of beginning; thence S00°02'12"W, 150.00 feet; thence S89°57'W, 178.1 feet, more or less, to the centerline of Eagle Crest Drive; thence N00°02'40"W to the westerly extension of the south line of the aforementioned Certified Survey Map Number 11073; thence N89°57'E along said south line, 178.31 feet, more or less, to the point of beginning. Said area contains 26,730 square feet or 0.6136 acres. (Bearings are based upon the west line of the SE ¼ of the SE ¼ of said Section 34 assumed to bear N00°06'E per Andrew Dahlen Map 3332.) Polling place at Streets East, 4602 Sycamore Avenue."

3. Subsection (17) of Section 15.03 entitled "Aldermanic Districts" of the Madison General Ordinances is amended to read as follows:

"(17) Seventeenth Aldermanic District. Wards 21, 22, 23, 24, 25, 26, and 126, and 136."

4. Map Amendment 00212 of Section 28.022 of the Madison General Ordinances is hereby created to read as follows:

"28.022-00212. The following described property is hereby zoned SR-C2 (Suburban Residential - Consistent District 2) District:

Being a part of the Southeast Quarter of the SE ¼ of Section 34, Township 08N, Range 10E, Town of Burke, Dane County, Wisconsin, more fully described as follows:

Commencing at the southeast corner of Lot 1, Certified Survey Map Number 11073, as recorded in Volume 66 of Certified Survey Maps, on pages 265-268, as Document Number 3916860, Dane County Registry; thence S89°57'W along the south line of said CSM, 143.55 feet to the point of beginning; thence S00°02'12"W, 150.00 feet; thence S89°57'W, 178.1 feet, more or less, to the centerline of Eagle Crest Drive; thence N00°02'40"W to the westerly extension of the south line of the aforementioned Certified Survey Map Number 11073; thence N89°57'E along said south line, 178.31 feet, more or less, to the point of beginning. Said area contains 26,730 square feet or 0.6136 acres. (Bearings are based upon the west line of the SE Quarter of the SE Quarter of said Section 34 assumed to bear N00°06'E per Andrew Dahlen Map 3332.)"

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.