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**KRISTI CHLEBOWSKI
DANE COUNTY
REGISTER OF DEEDS**

Document Number

Document Title

ORDINANCE

This is to certify that the foregoing ordinance was adopted by the Common Council of the City of Madison, Wisconsin at a meeting held on the 2nd day of August, 2016.

**DOCUMENT #
5289294**

12/05/2016 12:02 PM

Trans. Fee:

Exempt #:

Rec. Fee: 30.00

Pages: 14

Water Utility/Old Sauk Road Tower land Attachment

Ordinance #: ORD-16-00070

ID#: 43554

Recording Area

Name and Return Address

City Clerk
210 Martin Luther King Jr. Blvd.
Room 103
Madison, WI 53703

Parcel Identification Number (PIN)

December 5, 2016

Date

Maribeth Witzel-Behl

Signature of Clerk

Maribeth Witzel-Behl, City Clerk

*Name printed

Date

n/a

Signature of Grantor

*Name printed

STATE OF WISCONSIN, County of Dane

This document was drafted by:
(print or type name below)

Eric Christianson

Subscribed and sworn to before me on December 5, 2016 by the above named person(s).

Signature of notary or other person
authorized to administer an oath
(as per s. 706.06, 706.07)

[Signature]

*Names of persons signing in any capacity must be typed or printed below their signature.

Print or type name: Eric Christianson

Title: Municipal Clerk 2 Date commission expires: 6/29/2018

This information must be completed by submitter: document title, name & return address, and PIN (if required). Other information such as the granting clauses, legal description, etc., may be placed on this first page of the document or may be placed on additional pages of the document. Note: Use of this cover page adds one page to your document and \$2.00 to the recording fee. Wisconsin Statutes, 59.43(2m). **USE BLACK INK.** WRDA 5/1999



City of Madison

City of Madison
Madison, WI 53703
www.cityofmadison.com

Certified Copy

Ordinance: ORD-16-00070

File Number: 43554

Enactment Number: ORD-16-00070

Creating Section 15.01(600) of the Madison General Ordinances entitled "City Boundaries" and being part of the chapter entitled "Aldermanic Districts and Wards" attaching to the 9th Aldermanic District the Water Utility/Old Sauk Road Tower Attachment; creating Section 15.02(138) of the Madison General Ordinances to assign the attached property to Ward 138; and creating Section 28.022 - 00245 to zone the property A (Agriculture District).

DRAFTER'S ANALYSIS: This ordinance attaches land in the Town of Middleton.

An ordinance to create Subsection (600) 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 for attachment with scale map attached was filed with the City Clerk of Madison on June 10, 2016, and has been presented to the Madison Common Council requesting attachment of the below-described territory to the City of Madison from the Town of Middleton; said petition having been signed by the owners of all of the land in the territory and notice of the proposed attachment having been given to the Town of Middleton; and

WHEREAS, investigation by the City of Madison discloses that as of this date the above representations are true, the Common Council now accepts the petition as sufficient and determines that the said attachment proceeding meets the requirements of the City of Madison and Town of Middleton 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 (600) of Section 15.01 of the Madison General Ordinances is hereby created to read as follows:

"15.01(600) - There is hereby attached to the 1st Aldermanic District, the City of Madison, Dane County, Wisconsin, the following described property and pursuant to the provisions of Sec. 28.005, MGO, the territory attached by this ordinance is hereby assigned a permanent zoning classification of A Agriculture District:

A parcel of land located in the NW 1/4 of the NE 1/4 of Section 20, Township 7N, Range 8E, presently in the Town of Middleton, Dane County, Wisconsin, being bounded on the North by the North line of said NE 1/4, on the East by unplatted lands owned by others and previously attached to the City of Madison by City of Madison Ordinance ORD-08-00015, on the South by unplatted lands owned by others, and on the West by the West line of said NE 1/4, said parcel of land described in particular as follows:

Beginning at the N 1/4 corner of said Section 20; thence N89°40'26"E along said North line of the NE 1/4 1253.02 feet to the boundary of said lands that were attached to the City of Madison (recorded in Warranty Deed, Document No. 3267312 in the Office of the Dane County Register of Deeds as

N89°16'50"E, 1253.02 feet); thence S1°27'12"W along said boundary, 592.78 feet (recorded in said Document as S01°03'36"W, 592.78 feet); thence S89°40'26"W, 1254.68 feet to the West line of said NE 1/4 (recorded as S89°16'50"W, 1253.02 feet); thence N1°36'49"E along said West line, 592.83 feet to the point of beginning (recorded as N01°03'36"E, 592.78 feet).

Subject to the rights of the public over the North and West sides of the above described parcel for that portion thereof lying within the right-of-way of Old Sauk Road and Pioneer Road.

The above described parcel of land contains 742,899 square feet, or 17.05 acres or 0.0266 square miles, more or less."

2. Subsection (138) of Section 15.02 entitled "Wards and Ward Boundaries" of the Madison General Ordinances is created to read as follows:

(138) Ward 138. Beginning at the N 1/4 corner of said Section 20; thence N89°40'26"E along said North line of the NE 1/4 1253.02 feet to the boundary of said lands that were attached to the City of Madison (recorded in Warranty Deed, Document No. 3267312 in the Office of the Dane County Register of Deeds as N89°16'50"E, 1253.02 feet); thence S1°27'12"W along said boundary, 592.78 feet (recorded in said Document as S01°03'36"W, 592.78 feet); thence S89°40'26"W, 1254.68 feet to the West line of said NE 1/4 (recorded as S89°16'50"W, 1253.02 feet); thence N1°36'49"E along said West line, 592.83 feet to the point of beginning (recorded as N01°03'36"E, 592.78 feet). Polling place at The Jefferson, 9401 Old Sauk Road."

3. Subsection (9) of Section 15.03 entitled "Aldermanic Districts" of the Madison General Ordinances is amended to read as follows:

"(9) Ninth Aldermanic District. Wards 107, 108, 109, 110, 111, 122, 124, ~~and 127,~~ and 138."

4. Map Amendment 00245 of Section 28.022 of the Madison General Ordinances is hereby created to read as follows:

"28.022-00245. The following described property is hereby added to the A (Agriculture) District:

Beginning at the N 1/4 corner of said Section 20; thence N89°40'26"E along said North line of the NE 1/4 1253.02 feet to the boundary of said lands that were attached to the City of Madison (recorded in Warranty Deed, Document No. 3267312 in the Office of the Dane County Register of Deeds as N89°16'50"E, 1253.02 feet); thence S1°27'12"W along said boundary, 592.78 feet (recorded in said Document as S01°03'36"W, 592.78 feet); thence S89°40'26"W, 1254.68 feet to the West line of said NE 1/4 (recorded as S89°16'50"W, 1253.02 feet); thence N1°36'49"E along said West line, 592.83 feet to the point of beginning (recorded as N01°03'36"E, 592.78 feet). Subject to the rights of the public over the North and West sides of the above described parcel for that portion thereof lying within the right-of-way of Old Sauk Road and Pioneer Road. The above described parcel of land contains 742,899 square feet, or 17.05 acres or 0.0266 square miles, more or less."

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.

I, City Clerk Maribeth Witzel-Behl, certify that this is a true copy of Ordinance No. ORD-16-00070, passed by the Madison Common Council on 8/2/2016.

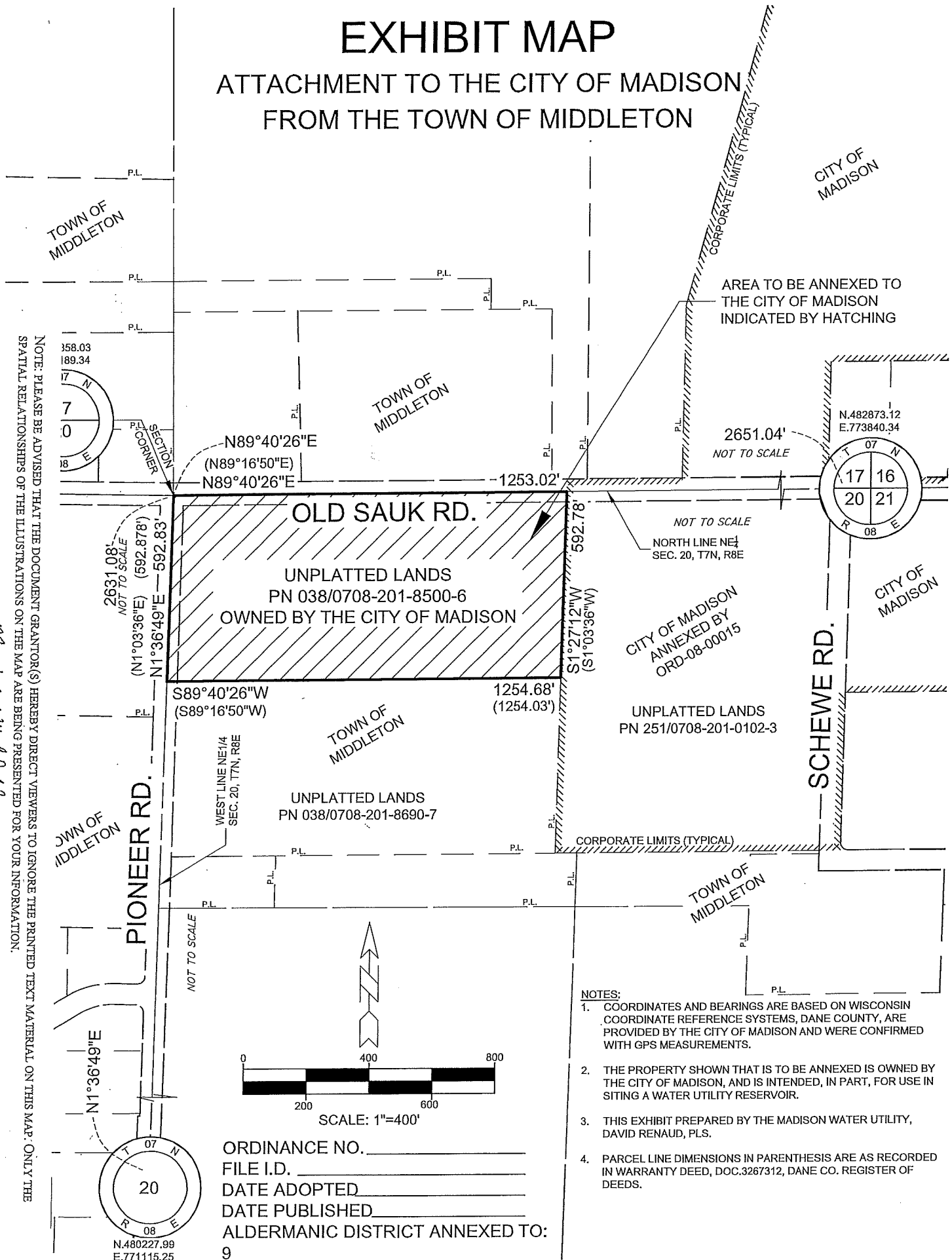
Maribeth Witzel-Behl

12-5-2016

Date Certified

EXHIBIT MAP

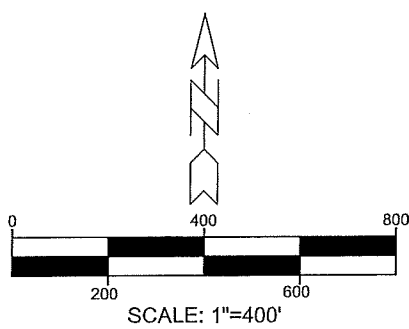
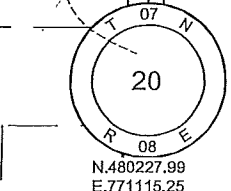
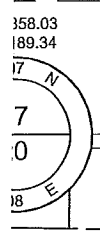
ATTACHMENT TO THE CITY OF MADISON FROM THE TOWN OF MIDDLETON



NOTE: PLEASE BE ADVISED THAT THE DOCUMENT GRANTOR(S) HEREBY DIRECT VIEWERS TO IGNORE THE PRINTED TEXT MATERIAL ON THIS MAP. ONLY THE SPATIAL RELATIONSHIPS OF THE ILLUSTRATIONS ON THE MAP ARE BEING PRESENTED FOR YOUR INFORMATION.

Signed by grantor(s) or grantor(s) agent: Maribeth Witzel-Behl
Name of grantor(s) or grantor(s) agent printed: Maribeth Witzel-Behl

Date: December 4, 2016



ORDINANCE NO. _____
 FILE I.D. _____
 DATE ADOPTED _____
 DATE PUBLISHED _____
 ALDERMANIC DISTRICT ANNEXED TO:
 9

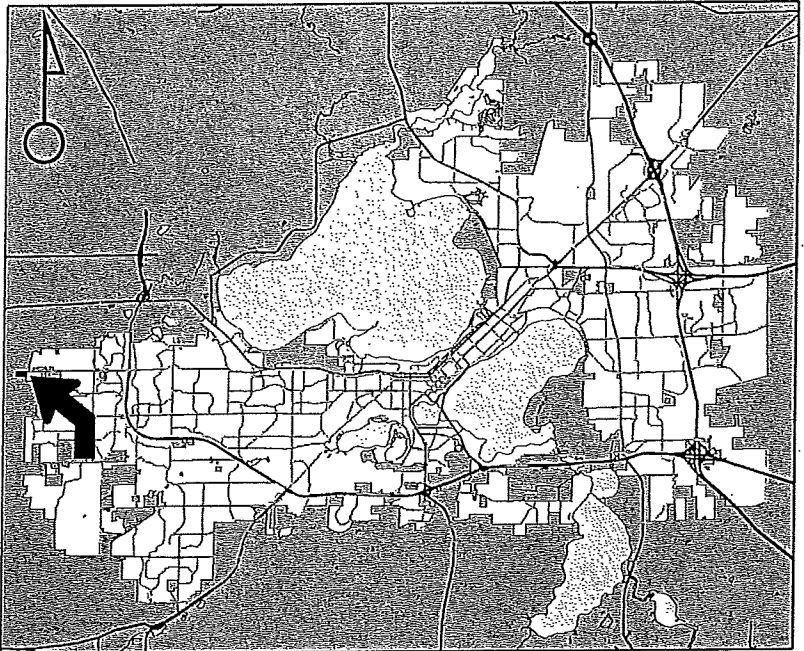
- NOTES:**
1. COORDINATES AND BEARINGS ARE BASED ON WISCONSIN COORDINATE REFERENCE SYSTEMS, DANE COUNTY, ARE PROVIDED BY THE CITY OF MADISON AND WERE CONFIRMED WITH GPS MEASUREMENTS.
 2. THE PROPERTY SHOWN THAT IS TO BE ANNEXED IS OWNED BY THE CITY OF MADISON, AND IS INTENDED, IN PART, FOR USE IN SITING A WATER UTILITY RESERVOIR.
 3. THIS EXHIBIT PREPARED BY THE MADISON WATER UTILITY, DAVID RENAUD, PLS.
 4. PARCEL LINE DIMENSIONS IN PARENTHESIS ARE AS RECORDED IN WARRANTY DEED, DOC.3267312, DANE CO. REGISTER OF DEEDS.



Location
10451 Old Sauk Road

Applicant
City of Madison

Request
Attaching Water Utility land and
assigning A Zoning to for future
water tower and reservoir

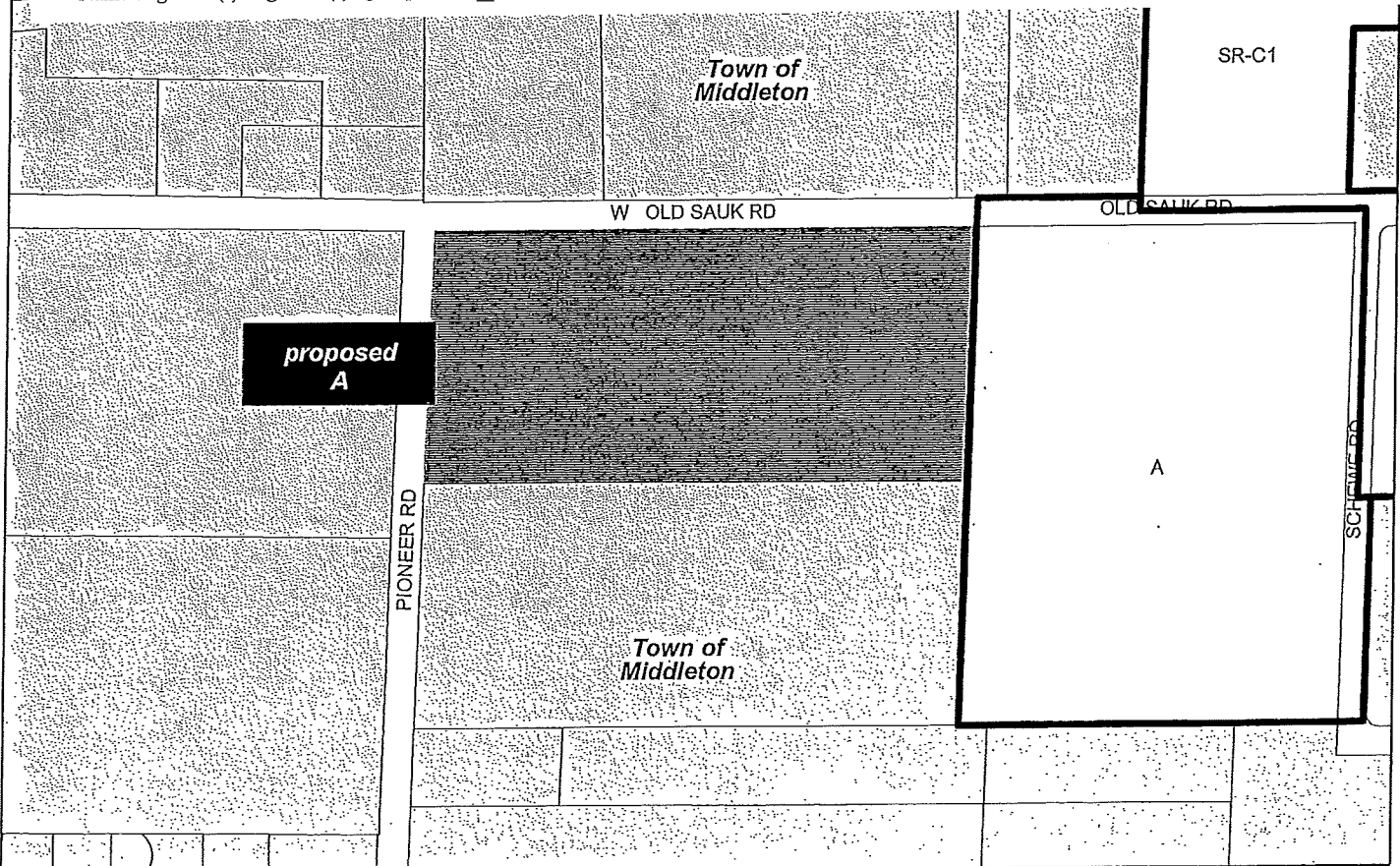


Public Hearing Date
Plan Commission
25 July 2016
Common Council
02 August 2016

For Questions Contact: Tim Parks at: 261-9632 or tparks@cityofmadison.com or City Planning at 266-4635

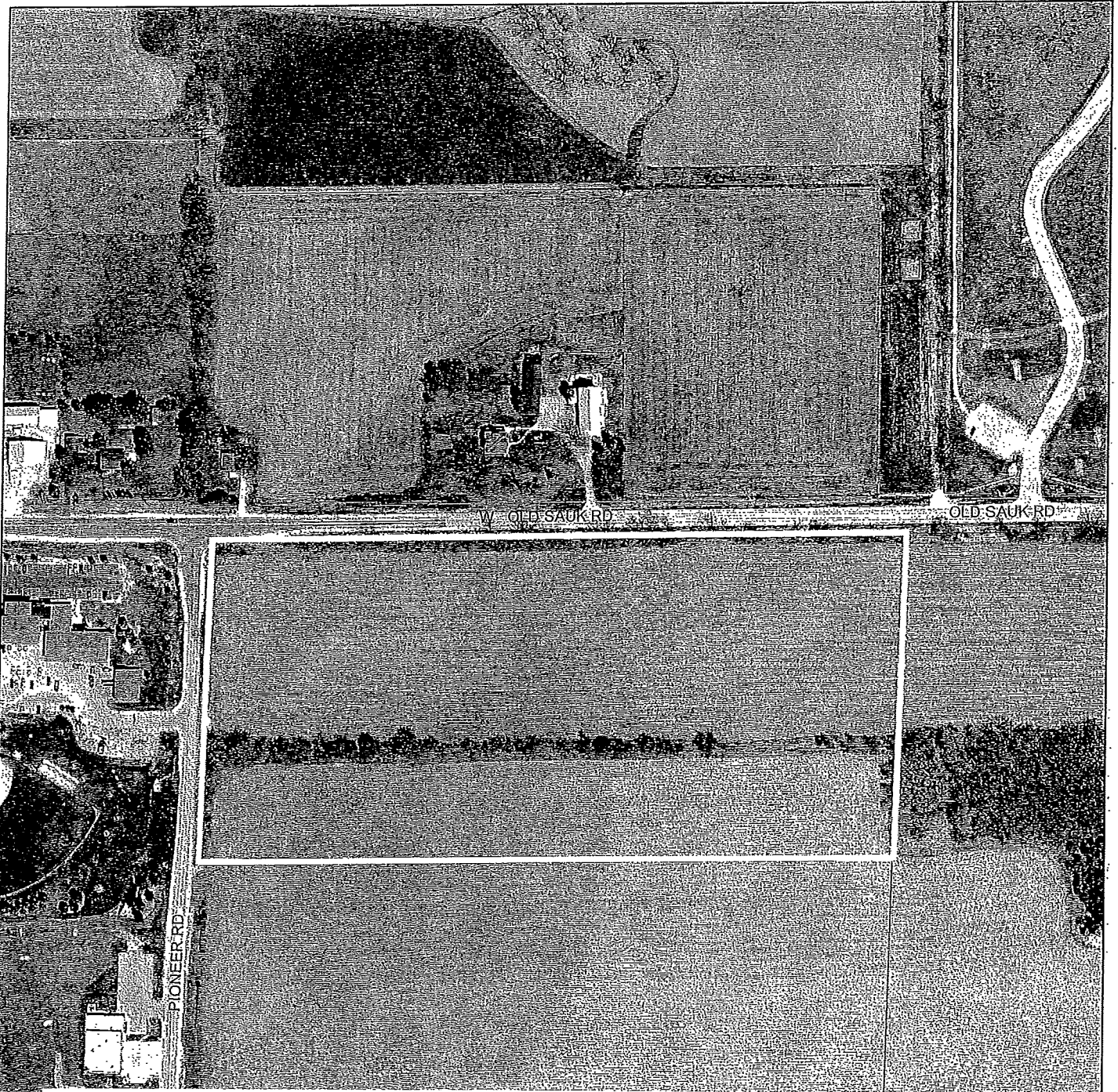
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Name of grantor(s) or grantor(s) agent printed: Maribeth Witzel-Behl



Scale : 1" = 700'

City of Madison, Planning Division : RPJ : Date : 18 July 2016

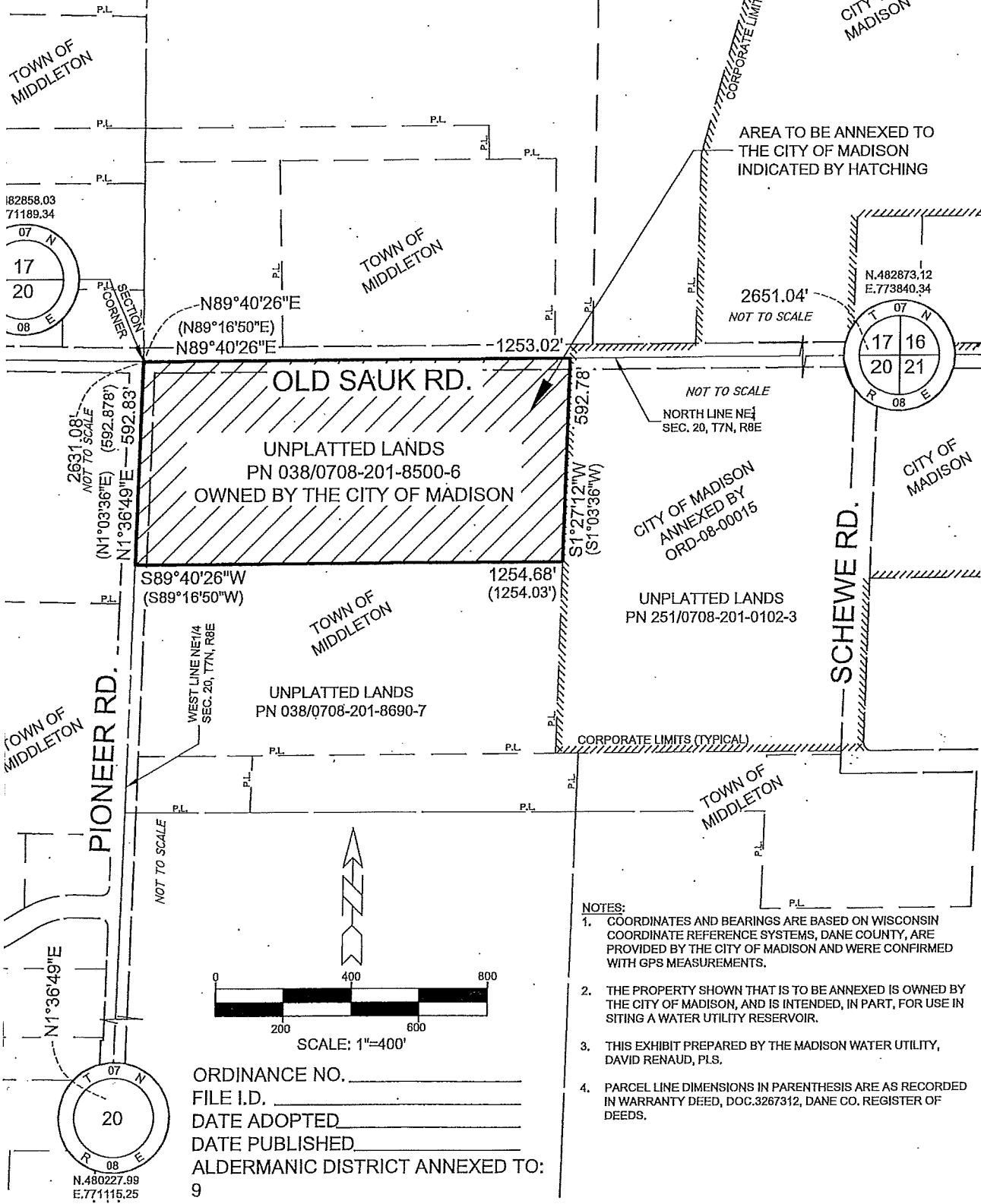


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EXHIBIT MAP

ATTACHMENT TO THE CITY OF MADISON FROM THE TOWN OF MIDDLETON



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 9

PUBLIC INFORMATION MEETING – BLACKHAWK WATER TOWER

UPDATES FROM MAY WATER BOARD HEARING:

At the May 24th Water Utility Board hearing, Madison Water Utility (MWU) staff and their consultant Baxter & Woodman presented water tower design and site location recommendations. The Water Utility Board also listened to a number of attendees who registered to speak, and reviewed the written feedback and survey information that had been collected. Below is a summary of the hearing and a look at the next steps.

After consideration of design options, the Water Utility Board approved the following:

- Composite water tower style.
- Two-toned paint scheme on the tank portion of the water tower. Upper portion a light blue tone, lower portion a dark blue tone.
- Concrete base utilizing a standard form liner, with a possibility for simple form variations.

Discussion of the three recommended water tower site locations led to the emergence of a potential fourth site location. This fourth location (“Site 4”) came about based on interests expressed by stakeholders through the week leading up to the public hearing, and from input given directly at the hearing. The two key interests from separate stakeholders were:

- Locating the water tower as far east as possible to preserve important viewsheds on the Pope Farm Conservancy property. This was “Site 2” of the given options shown at the time.
- Locating the water tower as far north as possible to protect against perceived negative land value impacts on the property directly to the south. This was “Site 3” of the given options shown at the time.

“Site 4” was therefore conceived and discussed by the Water Utility Board and stakeholders as a sort of compromise between the stakeholders’ two preferred sites; it would be 140-feet north and 45-feet east of “Site 2”. However, “Site 4” and the subsequent discussion came before the Water Utility Board later in the public hearing process than the Board would have preferred.

To ensure the integrity of the site selection process and allow the Water Utility Board to make the most informed decision, the Board voted to defer a final water tower site location decision to their next meeting (6/28). Before the next Water Utility Board meeting, MWU will gather feedback from stakeholders and elicit public opinion and preference of “Site 2” versus “Site 4” by:

- Meeting with identified stakeholders.
- Holding a public meeting.
- Generating an additional online survey.
- Providing notices and updates consistent with the current public participation process.

Information gathered during this process will be presented to the Board in order for a decision between “Site 2” and “Site 4” to be made. The other two sites - “Site 1” and “Site 3” - were eliminated from consideration by Board based on the information given at the hearing.

PUBLIC INFORMATION MEETING – BLACKHAWK WATER TOWER

CURRENT PROJECT SCHEDULE:

The following schedule is the current goal for the project's timeline. Any changes to the project scope, budget, or otherwise may require updates to the schedule.

June 2016	Public meeting and tower location hearing to Water Board.
August 2016	Preliminary design and concept development completed.
October 2016	Project design completed and advertised for contractor bidding.
February 2017	Project bid opening and recommendation to hire contractor.
April 2017	Start of construction.
August 2018	Project completed, water tower operational.

PROJECT CONTACTS:

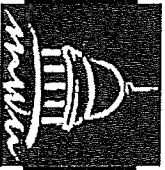
Project Engineer: Pete Holmgren, P.E. City of Madison Water Utility	(608) 261-5530 pholmgren@madisonwater.org
Consulting Engineer: Jerry Groth, P.E. Baxter & Woodman, Inc.	(608) 347-1542 ggroth@baxterwoodman.com

ADDITIONAL INFORMATION:

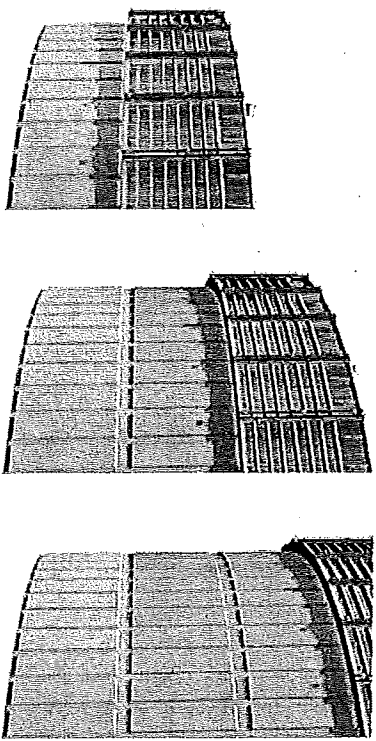
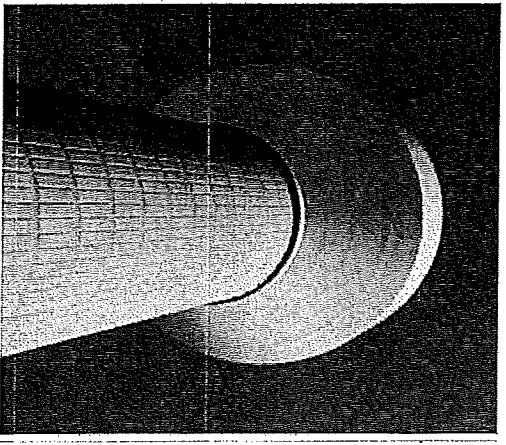
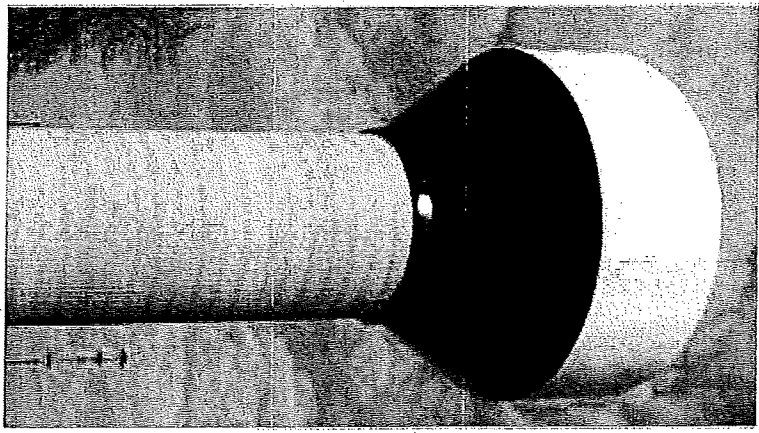
Please visit our project website to sign up for the project email list, take a project survey, and stay updated on additional information throughout the duration of the project:

MadisonWater.org/BlackhawkTower

SAMPLE OF WATER TOWER AESTHETICS

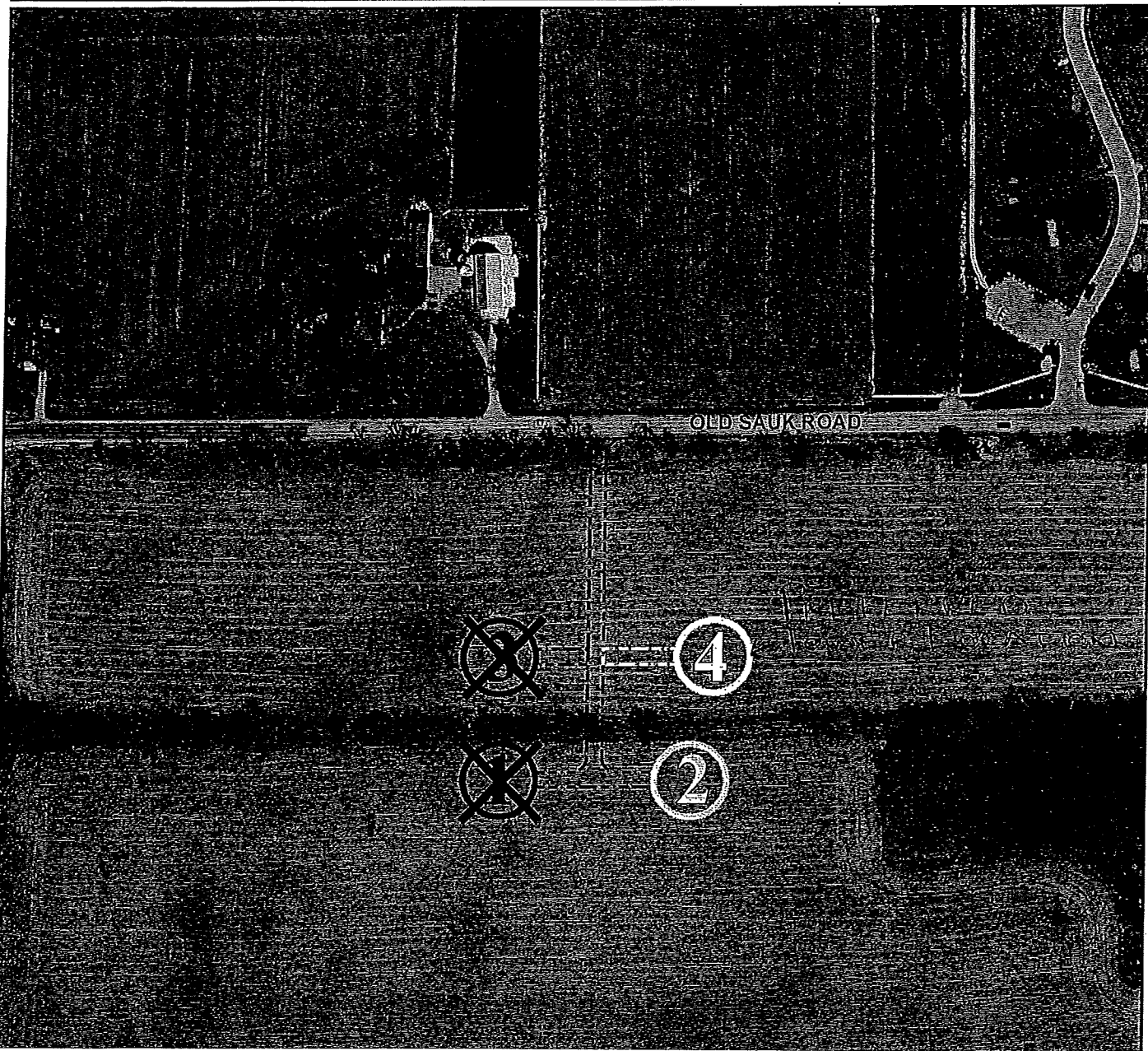


Architectural Concrete
Forms and Concrete Quality
Control Requirements Provide for
Uniform Concrete Appearance
Between Concrete Pours



PROPOSED TOWER LOCATIONS

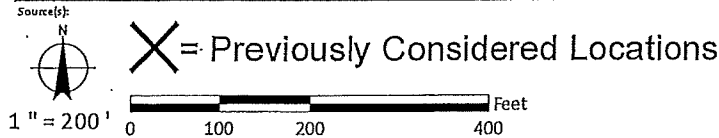
Blackhawk Water Tower
MADISON WATER UTILITY, MADISON WI



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Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



BAXTER & WOODMAN
Consulting Engineers



Department of Planning & Community & Economic Development

Planning Division

Heather Stouder, AICP, Director

Madison Municipal Building, Suite LL-100

215 Martin Luther King, Jr. Boulevard

P.O. Box 2985

Madison, Wisconsin 53701-2985

Phone: (608) 266-4635

Fax (608) 267-8739

www.cityofmadison.com

TO: Plan Commission
FROM: Timothy M. Parks, Planner
DATE: July 25, 2016
SUBJECT: Ordinance ID 43554 – Attaching 17.05 acres owned by the Madison Water Utility to the City of Madison from the Town of Middleton, and assigning A (Agriculture District) zoning

On June 10, 2016, a petition was filed in the City Clerk's Office on behalf of the Madison Water Utility to attach a 17.05-acre property located in the Town of Middleton at southeastern corner of Old Sauk Road and Pioneer Road to the City of Madison. The land was purchased in the late 1990s for future utility needs and is currently in tillage. The parcel to be attached contains approximately 1,225 feet of frontage along Old Sauk, and 560 feet of frontage along Pioneer, not including right of way for those roads.

Attachment ordinances allowed by an intergovernmental agreement and cooperative plan do not typically come before the Plan Commission for a recommendation prior to being adopted by the Common Council. However, in addition to attaching the property to the City and assigning it to the 9th Aldermanic District, Ordinance ID 43554 includes a request to assign permanent A–Agriculture District zoning to the property. Section 12.01 of the City's intergovernmental agreement and cooperative plan with the Town of Middleton provides that the City may designate a temporary or permanent zoning classification for each attached parcel as prescribed in Sec. 62.23(7)(d) of Wis. Stats., which generally requires that a Class 2 notice be provided in the official municipal newspaper prior to the Plan Commission hearing on a zoning map amendment. In addition to the Class 2 notice, notices were mailed to Town and City property owners and occupants located in 200 feet of the subject property as prescribed in Section 28.181(5) of the Zoning Code.

The Water Utility intends to construct an approximately 175-foot tall water tower and reservoir on approximately 2-3 acres near the center of the parcel, with the remainder of the property to be sold as surplus for future development. Construction of the tower is scheduled to commence in April 2017, with the tower operational in late summer 2018. There is no timeline for the subdivision and sale of the surplus portion of the property.

The subject property is not currently located in the Central Urban Service Area (CUSA). In order for a future subdivision of the surplus property to be approved and for any lots created by the subdivision or land division to be connected to sanitary sewer, the site will need to be added to the CUSA following approval by the Capital Area Regional Planning Commission and Wisconsin Department of Natural Resources. Concurrent with or following the addition of the property into the CUSA, all or portions of the site will be zoned and subdivided in a manner consistent with the land uses recommended by the Elderberry Neighborhood Development Plan, which recommends that most of the property be developed with low-density residential uses up to 4 units per acre (as stipulated in the City's cooperative plan with the Town of Middleton), with the exception of the general location of the water tower, which

ID # 43554
Water Utility Attachment
10451 Old Sauk Road
July 25, 2016
Page 2

is recommended for institutional land uses. Any future zoning and subdivision applications for the 17.05 acres will be reviewed by City agencies and the Plan Commission and approved by the Common Council prior to recording and construction.

Water pumping stations and reservoirs are permitted uses in the A zoning district. The new tower will require approval by the Urban Design Commission of a public building or facility per Section 33.24(4)(d) of the Urban Design Commission ordinance. The Planning Division believes that the Agriculture district is an appropriate zoning designation for the property upon attachment to allow for the Water Utility project to proceed ahead of any further development of the property.

In closing, the Planning Division recommends that the Plan Commission recommend **approval** to the Common Council of Ordinance ID 43554, attaching 17.05 acres of City-owned land in the Town of Middleton at the southeastern corner of Old Sauk Road and Pioneer Road to the City, and zoning the attached property to the [permanent] A (Agriculture District) zoning district.

cc: Al Larson, Madison Water Utility