

**AMENDMENT TO THE TOWN OF BLOOMING GROVE AND CITY OF MADISON
COOPERATIVE PLAN UNDER SECTION 66.0307, WISCONSIN STATUTES**

WHEREAS, pursuant to Wis. Stat. § 66.0307, the Town of Blooming Grove, a Wisconsin body corporate and politic (the “Town”), and the City of Madison, a Wisconsin municipal corporation (the “City”), entered into the “Town of Blooming Grove and City of Madison Cooperative Plan Under Section 66.0307, Wisconsin Statutes” (the “Cooperative Plan”), which Plan was approved on October 3, 2006, by the State of Wisconsin Department of Administration; and,

WHEREAS, the Cooperative Plan provides for a series of attachments of Town territory to the City during the planning period, including immediate attachments, intermediate attachments, phased attachments and a final attachment of all the territory remaining in the Town to occur at 11:59 p.m. on October 31, 2027, at which point the Town will dissolve; and,

WHEREAS, the Cooperative Plan also set aside a 70-acre piece of property as the “Cooperative Development Property”, which property was intended to be a development under the joint zoning and development review oversight of the City and the Town, that would initially develop in the Town on City water and City sewer, and eventually transition to the City after a certain period of time passed and development occurred; and,

WHEREAS, the anticipated development of the Cooperative Development Property has not occurred as originally contemplated by the City and the Town in 2006 when the Cooperative Plan was entered into; and,

WHEREAS, the property owners of the Cooperative Development Property have informed the City and the Town that the provisions in the Cooperative Plan relating to the Cooperative Development Property are adversely impacting the marketability and developability of the Cooperative Development Property and the property owners would like the ability to attach to the City sooner and easier than is allowed for under the Cooperative Plan; and,

WHEREAS, the City and the Town are in agreement that the terms in the Cooperative Development Plan relating to the Cooperative Development Property are no longer in the best interests of the City, the Town and the property owners, and that it would be in their respective best interests if the City and Town were able to reach an alternative agreement that would allow for the earlier attachment of the Cooperative Development Property to the City than provided for by the Cooperative Plan; and,

WHEREAS, the City and the Town have agreed to this minor amendment to the Cooperative Plan, that this proposed amendment to the Cooperative Plan is in the public interest, and that they have complied with the requirements of Wis. Stat. § 66.0307 necessary to enter into this amendment and submit the same to the Department of Administration for approval.

NOW, THEREFORE, the City and the Town agree that all of the other terms of the Cooperative Plan shall remain as approved by the Department of Administration, except that the Cooperative Plan is amended as follows:

Subsection G. entitled “Attachment of Cooperative Development Property” of Section 9 entitled “Attachment of Town Territory to City” is amended to add in the following:

“During the Protected Period, the City may attach the Cooperative Development Property, only in accordance with the provisions of subsection 11.C. below, by adoption of an attachment ordinance adopted by a majority of the members of the City’s Common Council, and without the consent of the owners or electors of the Cooperative Development Property. At that time, the City Clerk shall provide notice of this Attachment, as required under the Procedure for Intermediate Attachments in paragraph 10.A.(2) below. Notwithstanding the foregoing, Section 11.C. of this Plan, or any other provision to the contrary in this Plan, the City and the Town may, as an alternative to the provisions contained in this Plan regarding the Cooperative Development Property, separately enter into an intergovernmental agreement under Wis. Stat. § 66.0301 allowing for the intermediate attachment of all or a portion of the Cooperative Development Property to the City under Section 10.A. and an alternative revenue sharing arrangement than would otherwise be applicable to this attachment under Sections 11.C, 16.A, or any other provisions contained in this Plan.”

IN WITNESS WHEREOF, the Parties certify that this Amendment to the Town of Blooming Grove and City of Madison Cooperative Plan has been duly approved by their respective governing bodies in accordance with State and local laws, rules and regulations, and each has caused its duly authorized officers to execute this said Amendment.

FOR THE TOWN OF BLOOMING GROVE

Ron Bristol, Town Chair

Date

Michael Wolf, Town Clerk

Date

FOR THE CITY OF MADISON

Satya Rhodes-Conway, Mayor

Date

Maribeth Witzel-Behl, City Clerk

Date

Countersigned:

David P. Schmiedicke, Finance Director

Date

Approved as to form:

Michael Haas, City Attorney

Date

Execution of this Agreement by Madison is authorized by Resolution Enactment No. RES 20-_____, ID No. 62384, adopted by the Common Council of the City of Madison on _____, 2020.