



Document Number

Document Title

ATTACHMENT 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 5th day of December, 2017.

Royal Partners Attachment
Ordinance #: ORD-17-00128
ID#: 49342

KRISTI CHLEBOWSKI
DANE COUNTY
REGISTER OF DEEDS

DOCUMENT #
5384628
01/18/2018 10:10 AM
Trans Fee:
Exempt #:
Rec. Fee: 30.00
Pages: 12

Name and Return Address

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

038/0708-253-8595-1

Parcel Identification Number (PIN)

January 18, 2018
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 January 18, 2018 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: Certified Municipal Clerk Date commission expires: 06-29-2018

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-17-00128

File Number: 49342

Enactment Number: ORD-17-00128

Creating Section 15.01(604) of the Madison General Ordinances entitled "City Boundaries" and being part of the chapter entitled "Aldermanic Districts and Wards" attaching to the 19th Aldermanic District the Royal Partners, LLC, Attachment; creating Section 15.02(141) of the Madison General Ordinances to assign the attached property to Ward 141; assigning a permanent zoning classification of CC - Commercial Center District and assigning the property to Urban Design District No. 2.

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

An ordinance to create Subsection (604) 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 September 20, 2017 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 (604) of Section 15.01 of the Madison General Ordinances is hereby created to read as follows:

"15.01(604) - There is hereby attached to the 19th 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 CC - Commercial Center District:

Part of the NW1/4 of the SW1/4 of Section 25 T7N, R8E, Town of Middleton, Dane County, Wisconsin being more fully described as follows: Commencing at the Southwest corner of said Section 25; thence N01° 31' 58" E, along the West line of the SW1/4 said Section 25, 2005.75 feet; thence N89° 11' 42" E, along the centerline of Seybold Road, 59.71 feet to the point of beginning; thence N01° 21' 41" E, along the existing corporate boundary of the City of Madison and the East right-of-way line of South Gammon Road, previously described as being 60 feet east of and parallel with the West line of said Section 25, 215.67 feet to the Southerly right-of-way line of US Highway 12 and 14 as per State Highway Commission Project T04-2(34); thence N76° 56' 04" E, along said Southerly right-of-way line, 235.00 feet; thence S08° 51' 59" E, 237.76 feet to the North right-of-way line of Seybold Road per Document No. 1175891; thence S00° 48' 18" E, 30.00 feet to the centerline of Seybold Road; thence S89° 11' 42" W, along said centerline of Seybold Road, 271.13 feet to the point

of beginning. Said parcel contains 61,025 Sq. Ft. or 1.4009 Acres."

2. Subsection (141) of Section 15.02 entitled "Wards and Ward Boundaries" of the Madison General Ordinances is created to read as follows:

(141) Ward 124. Part of the NW1/4 of the SW1/4 of Section 25 T7N, R8E, Town of Middleton, Dane County, Wisconsin being more fully described as follows: Commencing at the Southwest corner of said Section 25; thence N01° 31' 58" E, along the West line of the SW1/4 said Section 25, 2005.75 feet; thence N89°11'42"E, along the centerline of Seybold Road, 59.71 feet to the point of beginning; thence N01° 21' 41"E, along the existing corporate boundary of the City of Madison and the East right-of-way line of South Gammon Road, previously described as being 60 feet east of and parallel with the West line of said Section 25, 215.67 feet to the Southerly right-of-way line of US Highway 12 and 14 as per State Highway Commission Project T04-2(34); thence N76°56'04"E, along said Southerly right-of- way line, 235.00 feet; thence S08°51'59"E, 237.76 feet to the North right-of-way line of Seybold Road per Document No. 1175891; thence S00°48'18"E, 30.00 feet to the centerline of Seybold Road; thence S89°11'42"W, along said centerline of Seybold Road, 271.13 feet to the point of beginning. Said parcel contains 61,025 square feet or 1.4009 acres. Polling place at Madison Ice Arena, 725 Forward Drive."

3. Subsection (19) of Section 15.03 entitled "Aldermanic Districts" of the Madison General Ordinances is amended to read as follows:

"(19) Nineteenth Aldermanic District. Wards 86, 87, 88, 89, 90, and 117, and 141."

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.

5. Map Amendment 00310 of Section 28.022 of the Madison General Ordinances is hereby created to read as follows:

""28.022-00310. The following described property is hereby zoned CC (Commercial Center) District:

Part of the NW1/4 of the SW1/4 of Section 25 T7N, R8E, Town of Middleton, Dane County, Wisconsin being more fully described as follows: Commencing at the Southwest corner of said Section 25; thence N01° 31' 58" E, along the West line of the SW1/4 said Section 25, 2005.75 feet; thence N89°11'42"E, along the centerline of Seybold Road, 59.71 feet to the point of beginning; thence N01° 21' 41"E, along the existing corporate boundary of the City of Madison and the East right-of-way line of South Gammon Road, previously described as being 60 feet east of and parallel with the West line of said Section 25, 215.67 feet to the Southerly right-of-way line of US Highway 12 and 14 as per State Highway Commission Project T04-2(34); thence N76°56'04"E, along said Southerly right-of- way line, 235.00 feet; thence S08°51'59"E, 237.76 feet to the North right-of-way line of Seybold Road per Document No. 1175891; thence S00°48'18"E, 30.00 feet to the centerline of Seybold Road; thence S89°11'42"W, along said centerline of Seybold Road, 271.13 feet to the point of beginning. Said parcel contains 61,025 square feet or 1.4009 acres."

6. Subdivision (b) entitled "Property Included in the District" of Subsection (9) entitled "Urban Design District No. 2" of Section 33.24 entitled "Urban Design Commission" of the Madison General Ordinances is amended to read as follows:

"(b) Property Included in the District. The District shall include property having any frontage on: Forward Drive, Ellis Potter Court, Gilbert Court, Kessel Court, Rayovac Drive, Schroeder Road and Schroeder Court; Struck Street between Schroeder Road and Watts Road; the east side of Gammon Road between ~~Seybold Road~~ the southern right-of-way line of the West Beltline Highway and Park Ridge Drive; the south side of Watts Road between Gammon Road and Rayovac Drive; the west side of Whitney Way between Schroeder Road and 410 feet north of the north right-of-way line of Piping Rock Road and the east side of Whitney Way between the West Beltline Highway and 130 feet northeast of the north right-of-way line of Woodland Way. Any future attachment of property located on both sides of Seybold Road and the north side of Watts Road from the Town of Middleton to the City of Madison shall hereby be added to the District. If any portion of a zoning lot is in the district, the entire lot is within the district."

I, Deputy City Clerk James Verbick, certify that this is a true copy of Ordinance No., adopted by the on December 5, 2017.



1/18/2018

Date Certified

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 Date: January 12, 2017
 Name of grantor(s) or grantor(s) agent printed: Maribeth Witzel-Behl

EXHIBIT B

Scale Map



SCALE: 1" = 100'

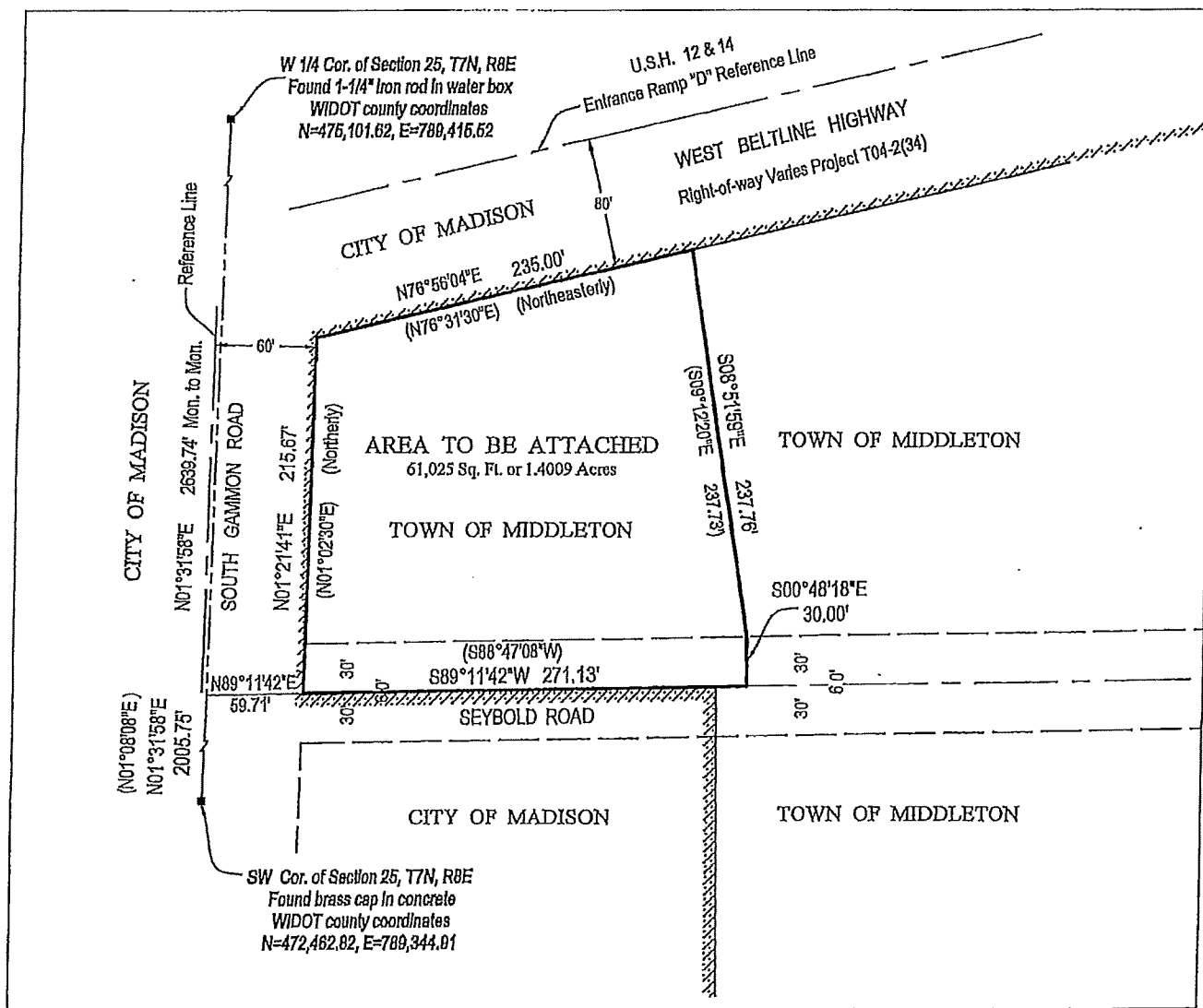
Legend:

(237.73') "Recorded as" Information

City of Madison Municipal Boundary



North is referenced to the West line of the SW 1/4 Section 25, T7N, R8E. WIDOT Dane County coordinate system, grid bearing N 01°31'58"E





City of Madison

Proposed Attachment and Zoning

Location

601 S Gammon Road

Applicant

Royal Partners, LLC /

Tom Sanford

Assign Zoning

CC

Existing Use

Restaurant

Proposed Use

Attach parcel w/one-story restaurant
from town of Middleton and assign
City Zoning

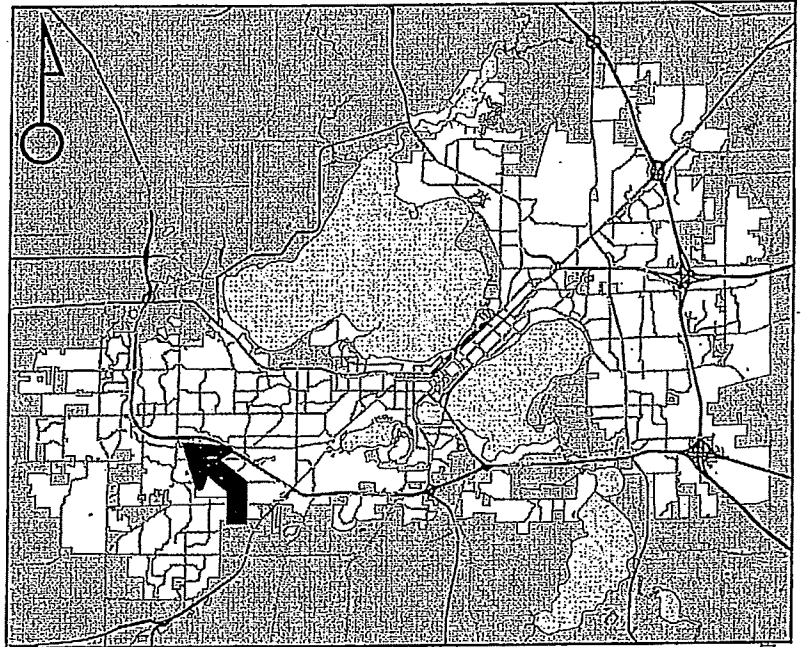
Public Hearing Date

Plan Commission

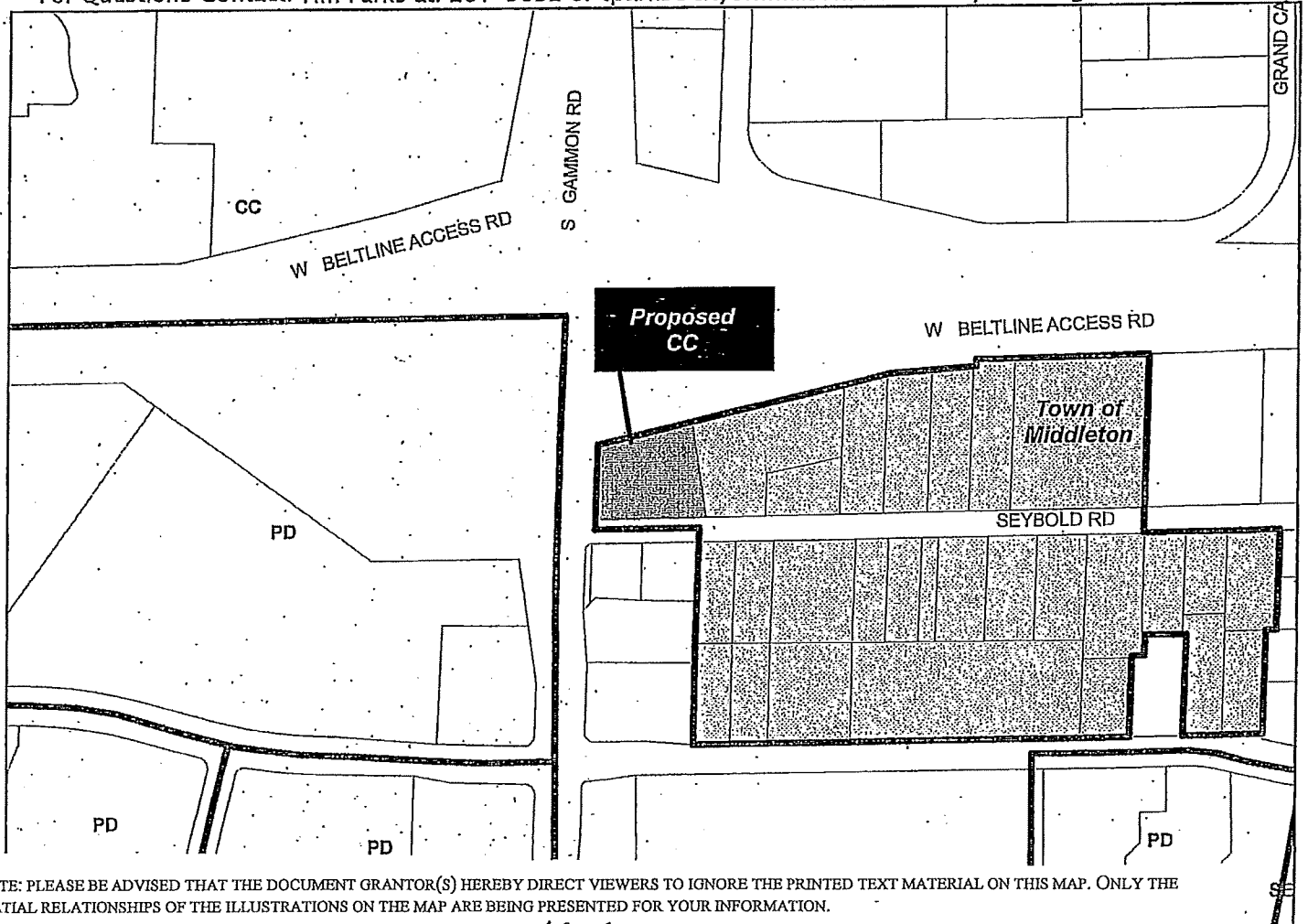
20 November 2017

Common Council

5 December 2017



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



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

Date: January 12, 2017

2017

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

8

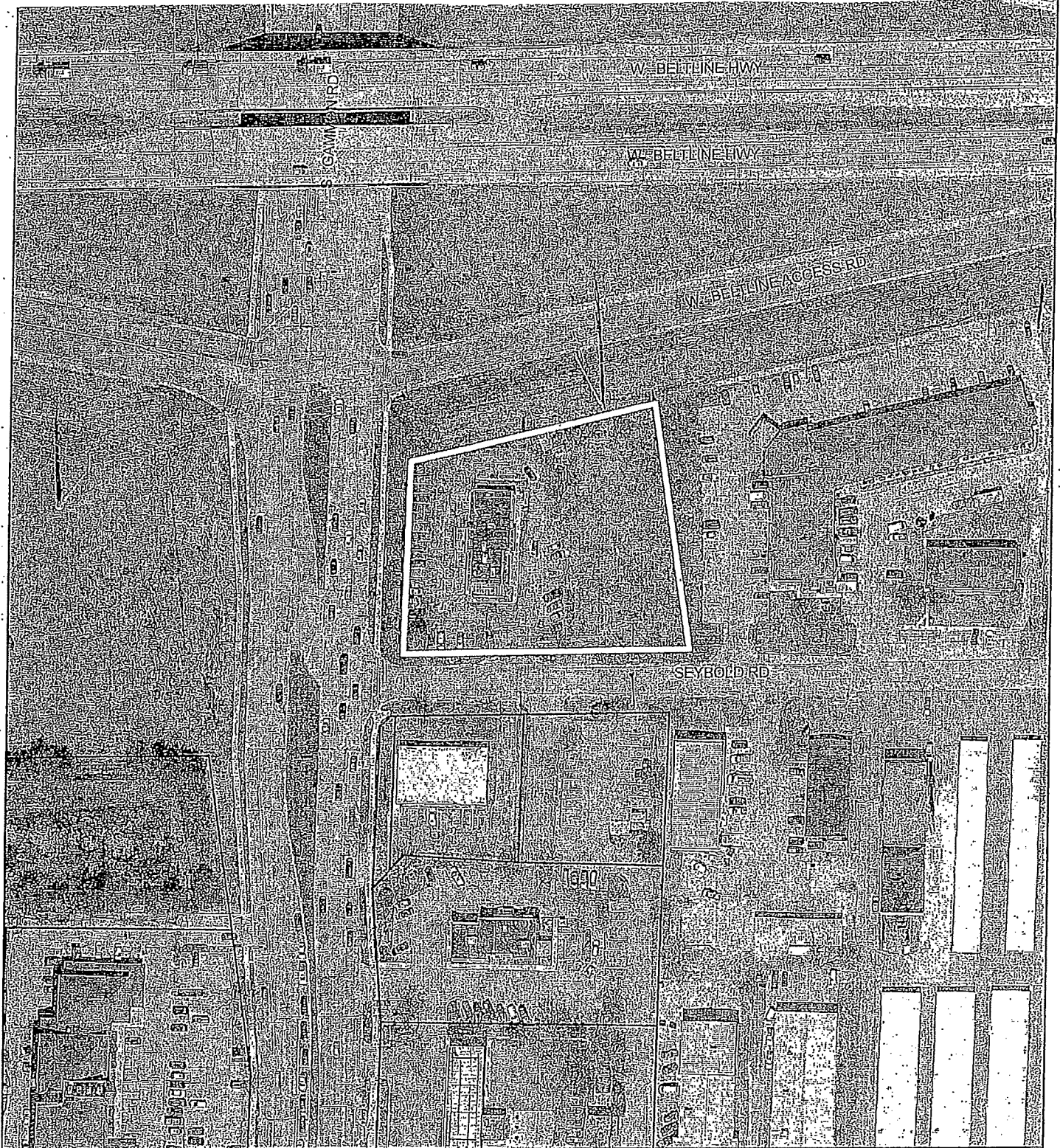


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Signed by grantor(s) or grantor(s) agent: Maribeth Witzel-Behl

Date: January 12, 2017

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



Date of Aerial Photography : Spring 2016

PETITION FOR ATTACHMENT
BY UNANIMOUS CONSENT
(SECTION 66.0307, Wis. Stats.)

TO: Clerk, City of Madison
210 Martin Luther King Jr. Blvd, Rm 103
Madison, WI 53703

Clerk, Town of Middleton
7555 W. Old Sauk Rd.
Verona, WI 53593-9700

The undersigned, constituting all of the Owners of the Real Property located within the territory described, do hereby unanimously petition the Common Council of the City of Madison, a municipal corporation located in Dane County, Wisconsin, to attach the territory described below from the Town of Middleton, located in Dane County, Wisconsin, to the City of Madison. There are no dwellings and no electors residing in the aforesaid territory as of the date hereof. There is zero population in the territory.

The territory proposed for attachment from the Town of Middleton to the City of Madison is more particularly described on Exhibit A and is shown on the scale map attached as Exhibit B. The tax parcel number of the Territory is 038/0708-253-8595-1.

The undersigned requests that this attachment be approved with (permanent) CC-Commercial Center District zoning and take effect in the manner provided for by law.

This Petition for Attachment is being signed by all of the Owners of all of the Real Property in area within the territory described in Exhibit A and is filed pursuant to section 66.0307, Wis. Stats.

Owner: Royal Partners LLC

By: Stephen E. Welch
Stephen E. Welch, Manager Member

Date: 9/22/17

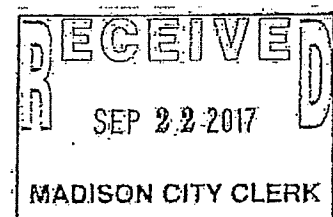


EXHIBIT A

Attachment Description

LEGAL DESCRIPTION:

Part of the NW1/4 of the SW1/4 of Section 25 T7N, R8E, Town of Middleton, Dane County, Wisconsin being more fully described as follows: Commencing at the Southwest corner of said Section 25; thence N01°31'58"E, along the West line of the SW1/4 said Section 25, 2005.75 feet; thence N89°11'42"E, along the centerline of Seybold Road, 59.71 feet to the point of beginning; thence N01°21'41"E, along the existing corporate boundary of the City of Madison and the East right-of-way line of South Gammon Road, previously described as being 60 feet east of and parallel with the West line of said Section 25, 215.67 feet to the Southerly right-of-way line of U.S.H. 12 and 14 as per State Highway Commission Project T04-2(34); thence N76°56'04"E, along said Southerly right-of-way line, 235.00 feet; thence S08°51'59"E, 237.76 feet to the North right-of-way line of Seybold Road per document No. 1175891; thence S00°48'18"E, 30.00 feet to the centerline of Seybold Road; thence S89°11'42"W, along said centerline of Seybold Road, 271.13 feet to the point of beginning. Said parcel contains 61,025 Sq. Ft. or 1.4009 Acres. Subject to any and all easements and agreements recorded and unrecorded.

Office Map No.17-1141

Sheet 1 of 2

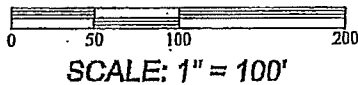
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Name of grantor(s) or grantor(s) agent printed: Maribeth Witzel-Behl

Date: January 12, 2017

EXHIBIT B

Scale Map

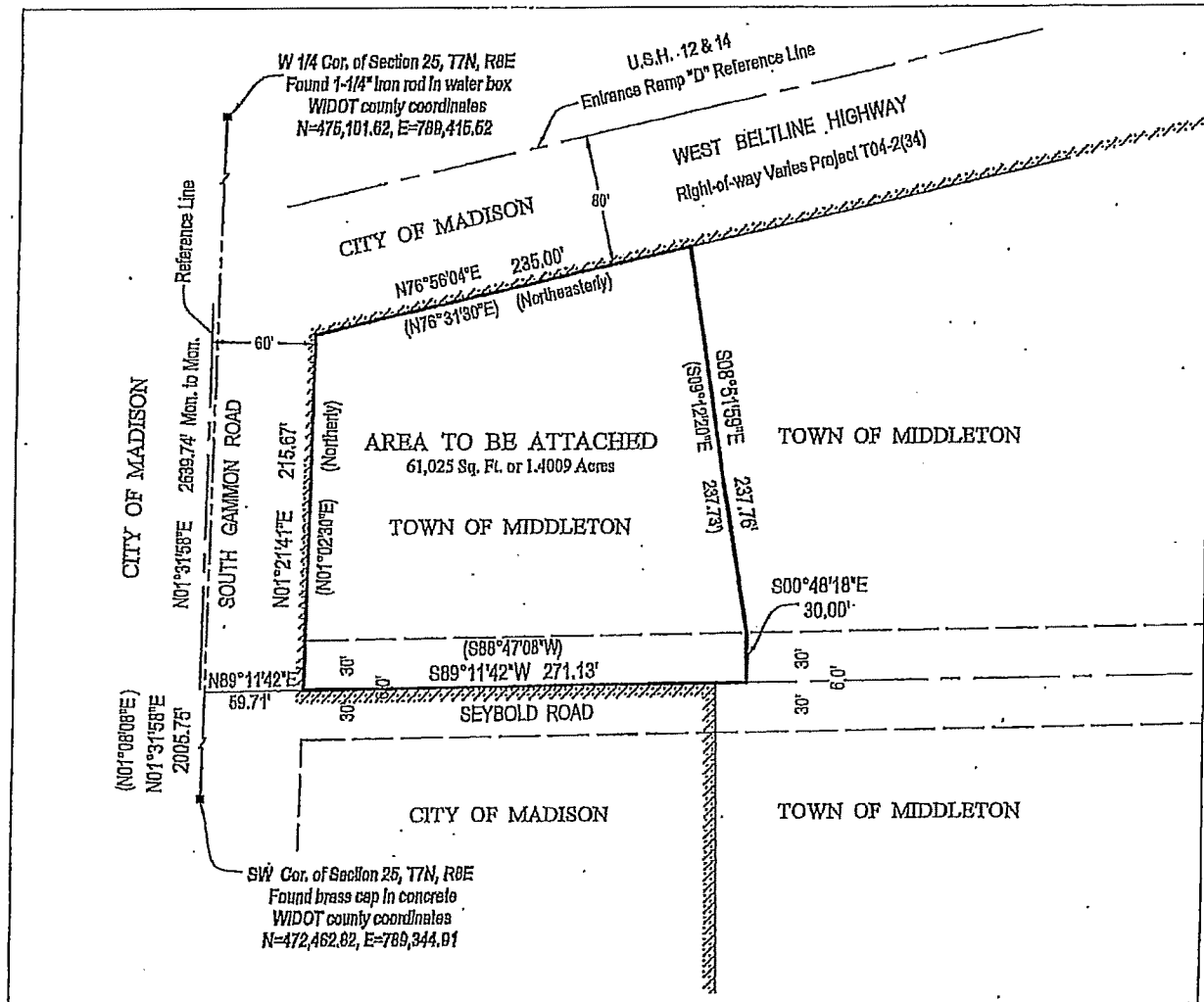


Legend:

(237.73') "Recorded as" Information
 City of Madison Municipal Boundary



North is referenced to the West line of the SW 1/4 Section 25, T7N, R8E, WIDOT Dane County coordinate system, grid bearing N 01°31'58"E



Office Map No.17-1141
Sheet 2 of 2



Department of Planning & Community & Economic Development

Planning Division

Heather Stouder, Director

126 S. Hamilton Street
P.O. Box 2985
Madison, Wisconsin 53701-2985
Phone: (608) 266-4635
www.cityofmadison.com

TO: Plan Commission
FROM: Timothy M. Parks, Planner
DATE: November 20, 2017
SUBJECT: Ordinance ID 49342 – Attaching 1.4 acres of land owned by the Royal Partners, LLC to the City of Madison from the Town of Middleton, and assigning CC (Commercial Center District) zoning

On September 20, 2017, a petition was filed in the City Clerk's Office by Royal Partners, LLC to attach a 1.4-acre property located in the Town of Middleton at the northeastern corner of S. Gammon Road and Seybold Road to the City of Madison. The parcel to be attached contains approximately 215 feet of frontage along S. Gammon Road, and 271 feet of frontage along Seybold Road, not including right of way for Seybold, which will be attached with this ordinance. The subject parcel is developed with a one-story restaurant with vehicle access sales and service window, with access from Seybold Road.

This ordinance attaches land pursuant to the Cooperative Plan entered into by the City of Madison and Town of Middleton, dated September 29, 2003. Pursuant to the Cooperative Plan, individual property owners east of the final City-Town boundary (Pioneer Road) may petition the City for intermediate attachment in advance of final attachment of the lands east of the boundary line on the first Monday of February 2042. Per the Cooperative Plan, the City will pay the Town a declining portion of the final Town share of property taxes over the first five years following attachment of the commercial property.

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 19th Aldermanic District, Ordinance ID 49342 includes a request to assign permanent CC—Commercial Center District zoning to the property. Section 12.01(a) of the City's 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.

Per its statement of purpose, the CC District is established to "recognize the existing large-format retail and office sites within the City that remain largely auto-oriented, and to encourage their transformation into mixed-use centers that are equally conducive to pedestrian, bicycle, transit and motor vehicle activity." The district is also intended to improve the quality of landscaping, site design and urban design within commercial centers and to encourage appropriate transitions between higher-intensity uses and adjacent lower-density residential districts.

The subject site is located amidst a series of auto-oriented commercial developments in both the City of Madison and the Town of Middleton. In the City, most of the commercial properties are zoned CC, while some are zoned PD (Planned Development District). The CC zoning requested for the attachment parcel is consistent with the CC zoning of City parcels located to the south and east of the site along S. Gammon Road. The subject parcel and other nearby commercial properties are designated General Commercial by the Comprehensive Plan. The attachment parcel is also located within the boundaries of the Southwest Neighborhood Plan; however, the 2008 plan includes no specific land use or zoning recommendations for the property.

The attachment ordinance also includes language amending Section 33.24(9)(b) that effectively adds the subject property to Urban Design Dist. 2 (UDD 2), and includes further clarifying language that any future attachments from the Town within the boundaries of UDD 2 will be added to the district. UDD 2 is generally bounded by S. Gammon Road, Schroeder Road, S. Whitney Way, and the West Beltline Highway.

Following adoption of the ordinance attaching the property to the City and assigning City zoning, it is anticipated that the existing restaurant will be demolished and the site redeveloped. The demolition of the existing building and future use of the property will require Plan Commission approval of a demolition permit prior to the issuance of permits. More detailed plans for the property will be provided on a separate application to be filed following the attachment.

In closing, the Planning Division recommends that the Plan Commission recommend **approval** to the Common Council of Ordinance ID 49342, attaching 1.4 acres of land in the Town of Middleton at 601 Gammon Road to the City, zoning the attached property to the [permanent] CC (Commercial Center) zoning district, and adding the property to Urban Design Dist. 2. No conditions of approval are recommended for the requested zoning map amendment.