



Document Number

Document Title

KRISTI CHLEBOWSKI
DANE COUNTY
REGISTER OF DEEDS

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 10th day of April, 2018.

DOCUMENT #
5407865
05/09/2018 02:02 PM
Trans Fee:
Exempt #:
Rec. Fee: 30.00
Pages: 10

Schmitt/Town of Verona Annexation
Ordinance #: ORD-18-00041
ID#: 50764

Name and Return Address

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

Parcel Identification Number (PIN)

May 8, 2018
Date

Date

Maribeth Witzel-Behl
Signature of Clerk

n/a
Signature of Grantor

Maribeth Witzel-Behl, City Clerk
*Name printed

*Name printed

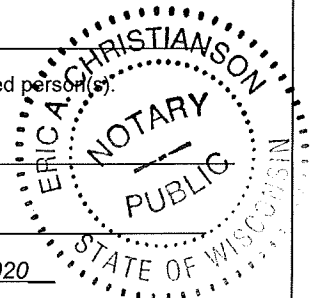
STATE OF WISCONSIN, County of Dane

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

Subscribed and sworn to before me on May 8, 2018 by the above named person(s).

Eric Christianson

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: 3/27/2020

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

10



City of Madison

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

Certified Copy

Ordinance: ORD-18-00041

File Number: 50764

Enactment Number: ORD-18-00041

Creating Section 15.01(607) of the Madison General Ordinances entitled "City Boundaries" and being part of the chapter entitled "Aldermanic Districts and Wards" annexing land located adjacent to 3502 and 3848 Maple Grove Drive to the 7th Aldermanic District and assigning a temporary zoning classification of A Agricultural District, creating Section 15.02(144) of the Madison General Ordinances to assign the attached property to Ward 144, and amending Section 15.03(7) of the Madison General Ordinances to add Ward 144 to Aldermanic District 7.

DRAFTER'S ANALYSIS: This ordinance annexes land located adjacent to 3502 and 3848 Maple Grove Drive in the Town of Verona, including a connecting strip owned by the City of Madison Stormwater Utility. Under Wis. Stat. Sec. § 66.0217, this annexation is effective upon enactment of the annexation ordinance.

An ordinance to create Subsection (607) 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, pursuant to Wis. Stat. § 66.0217, the City of Madison wishes to annex lands in the Town of Verona as shown on the attached map and described below; and

WHEREAS, a petition with scale map attached was filed with the City Clerk of Madison on February 19, 2018, and has been presented to the City Common Council requesting annexation of the below-described territory to the City of Madison from the Town of Verona; said petition having been signed by the owners of all the real property within the territory, which lies contiguous to the City of Madison; and

WHEREAS, pursuant to Sec. 28.005, Madison General Ordinances, the annexed territory is declared to be in the A Agricultural District and the annexation and temporary zoning were considered by the Plan Commission at its meeting of April 2, 2018, and adoption of the said annexation and zoning were recommended; and

WHEREAS, pursuant to Sec. 66.0217(14)(a)1., the City of Madison agrees to pay annually to the Town of Verona, for five (5) years, an amount equal to the amount of property taxes that the town levied on the annexed territory, as shown by the tax roll under Wis. Stats. § 70.65, in the year in which the annexation is final; and

WHEREAS, investigation by the City of Madison discloses that as of this date the above representations are true, and having been reviewed, the Common Council determines that the said annexation proceeding meets the requirements of the Wisconsin Statutes;

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

1. Subsection (607) of Section 15.01 of the Madison General Ordinances is hereby created to read as follows:

"15.01(607) - There is hereby annexed to the 7th Aldermanic District, the City of Madison, Dane County, Wisconsin, the following described property:

A parcel of land located in the NW1/4 and the SW1/4 of the SW1/4 of Section 12 and in the NW1/4 of the NW1/4 of Section 13, T6N, R8E, Town of Verona, Dane County, Wisconsin to-wit:

Beginning at the West 1/4 corner of said Section 12; thence N89°56'43"E, 1322.39 feet along the South lines of Outlot 1, Certified Survey Map No. 9274, Outlot 1, Cross Country School and a unnamed public street to the Northeast corner of said SW1/4; thence S00°19'44"W, 934.36 feet along the East line of said NW1/4 of the SW1/4; thence S89°52'55"W, 455.16 feet along the North line of Country Grove Condominiums and the Easterly extension thereof, to the Northwest corner of said Country Grove Condominiums; thence S00°19'40"W, 383.00 feet along the West line of said Country Grove Condominiums and the Southerly extension thereof, to point on the North right-of-way line of Fairhaven Road; thence S89°52'03"W, 478.88 feet along the South line of the said NW1/4 of the SW1/4 and said North right-of-way line and the North lines of Lot 1, Certified Survey Map No. 13630 and Outlot 10, Nesbitt Valley; thence S30°28'33"E, 358.24 feet along the Westerly line of said Outlot 10; thence S34°07'33"E, 803.21 feet along the West line of said Outlot 10; thence S17°03'27"W, 108.67 feet along the Westerly line of said Outlot 10; thence S19°18'33"E, 128.07 feet along the Westerly line of said Outlot 10 and the existing corporate boundary of the City of Madison; thence S34°03'37"W, 194.29 feet along the Northwesterly line of Outlot 13, Nesbitt Valley and the Southwesterly and Northeasterly extensions thereof to a point on the Southerly right-of-way line of unimproved Cross Country Road; thence N57°02'33"W, 15.01 feet along the said Southerly right-of-way line; thence N34°03'37"E, 187.05 feet along the Easterly line of Outlot 1, Certified Survey Map No. 10389 and the Southwesterly extension thereof, to the most easterly corner of said Outlot 1, also being on the Southerly right-of-way line of Cross Country Road; thence N19°18'33"W, 125.44 feet to the most Southerly and Easterly corner of Lot 88, Nesbitt Valley the First Addition, also being on the Northerly right-of-way line of Cross Country Road; thence N17°03'27"E, 106.41 along the Easterly line of said Lot 88; thence N34°07'33"W, 796.50 feet along the Northeasterly lines of Lots 79 through 88, Nesbitt Valley the First Addition; thence N30°28'33"W, 367.50 feet along the Northeasterly lines of Lots 73 through 78, Nesbitt Valley the First Addition, to the Northeast corner of said Lot 73; thence S89°52'03"W, 364.57 feet along the said South line of the NW1/4 of SW1/4 and the North lines Lots 73, 129 and 130, Nesbitt Valley First Addition and the Northerly right-of-way line of Ambleside Drive to the Northwest corner of said Lot 129, also being the Northeast corner of Outlot 7, Heather Glen and the Southeast corner of Lot 140, The Crossing; thence N00°03'00"E, 1319.01 feet along the West line of the said NW1/4 of the SW1/4 and East lines of Outlot 2, Lots 103 through 109 and Lot 140, The Crossing and the East right-of-way line of Rockstream Drive to the point of beginning. Containing 1,588,346 square feet (36.463 acres or 0.0570 square miles)."

2. Subsection (144) of Section 15.02 entitled "Wards and Ward Boundaries" of the Madison General Ordinances is created to read as follows:

"(144) Ward 144. Beginning at the West 1/4 corner of said Section 12; thence N89°56'43"E, 1322.39 feet along the South lines of Outlot 1, Certified Survey Map No. 9274, Outlot 1, Cross Country School and a unnamed public street to the Northeast corner of said SW1/4; thence S00°19'44"W, 934.36 feet along the East line of said NW1/4 of the SW1/4; thence S89°52'55"W, 455.16 feet along the North line of Country Grove Condominiums and the Easterly extension thereof, to the Northwest corner of said Country Grove Condominiums; thence S00°19'40"W, 383.00 feet along the West line of said Country Grove Condominiums and the Southerly extension thereof, to point on the North right-of-way line of Fairhaven Road; thence S89°52'03"W, 478.88 feet along the South line of the said NW1/4 of the SW1/4 and said North right-of-way line and the North lines of Lot 1, Certified Survey Map No. 13630 and Outlot 10, Nesbitt Valley; thence S30°28'33"E, 358.24 feet along the Westerly line of said

Outlot 10; thence S34°07'33"E, 803.21 feet along the West line of said Outlot 10; thence S17°03'27"W, 108.67 feet along the Westerly line of said Outlot 10; thence S19°18'33"E, 128.07 feet along the Westerly line of said Outlot 10 and the existing corporate boundary of the City of Madison; thence S34°03'37"W, 194.29 feet along the Northwesterly line of Outlot 13, Nesbit Valley and the Southwesterly and Northeasterly extensions thereof to a point on the Southerly right-of-way line of unimproved Cross Country Road; thence N57°02'33"W, 15.01 feet along the said Southerly right-of-way line; thence N34°03'37"E, 187.05 feet along the Easterly line of Outlot 1, Certified Survey Map No. 10389 and the Southwesterly extension thereof, to the most easterly corner of said Outlot 1, also being on the Southerly right-of-way line of Cross Country Road; thence N19°18'33"W, 125.44 feet to the most Southerly and Easterly corner of Lot 88, Nesbitt Valley the First Addition, also being on the Northerly right-of-way line of Cross Country Road; thence N17°03'27"E, 106.41 along the Easterly line of said Lot 88; thence N34°07'33"W, 796.50 feet along the Northeasterly lines of Lots 79 through 88, Nesbitt Valley the First Addition; thence N30°28'33"W, 367.50 feet along the Northeasterly lines of Lots 73 through 78, Nesbitt Valley the First Addition, to the Northeast corner of said Lot 73; thence S89°52'03"W, 364.57 feet along the said South line of the NW1/4 of SW1/4 and the North lines Lots 73, 129 and 130, Nesbitt Valley First Addition and the Northerly right-of-way line of Ambleside Drive to the Northwest corner of said Lot 129, also being the Northeast corner of Outlot 7, Heather Glen and the Southeast corner of Lot 140, The Crossing; thence N00°03'00"E, 1319.01 feet along the West line of the said NW1/4 of the SW1/4 and East lines of Outlot 2, Lots 103 through 109 and Lot 140, The Crossing and the East right-of-way line of Rockstream Drive to the point of beginning. Polling place at Chavez Elementary School, 3502 Maple Grove Drive."

3. Subsection (7) of Section 15.03 entitled "Aldermanic Districts" of the Madison General Ordinances is amended to read as follows:

"(7) Seventh Aldermanic District. Wards 97, 98, 99, and 100, and 144."

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.

I, City Clerk Maribeth Witzel-Behl, certify that this is a true copy of Ordinance No. 18-00041, Adopted by the Madison Common Council on April 10, 2018.

Maribeth Witzel-Behl

5-8-2018
Date Certified



City of Madison

Proposed Annexation

Location

Adjacent to 3502 and 3848
Maple Grove Drive

Petitioner

Schmitt Family Trust

Existing Use

Undeveloped; City-Owned
Greenway

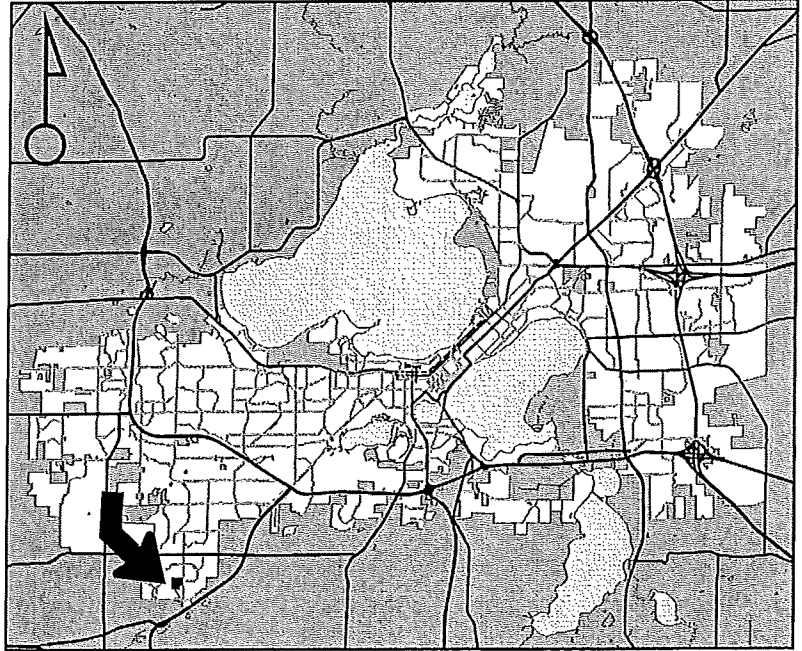
Proposed Use

No proposed use at this time

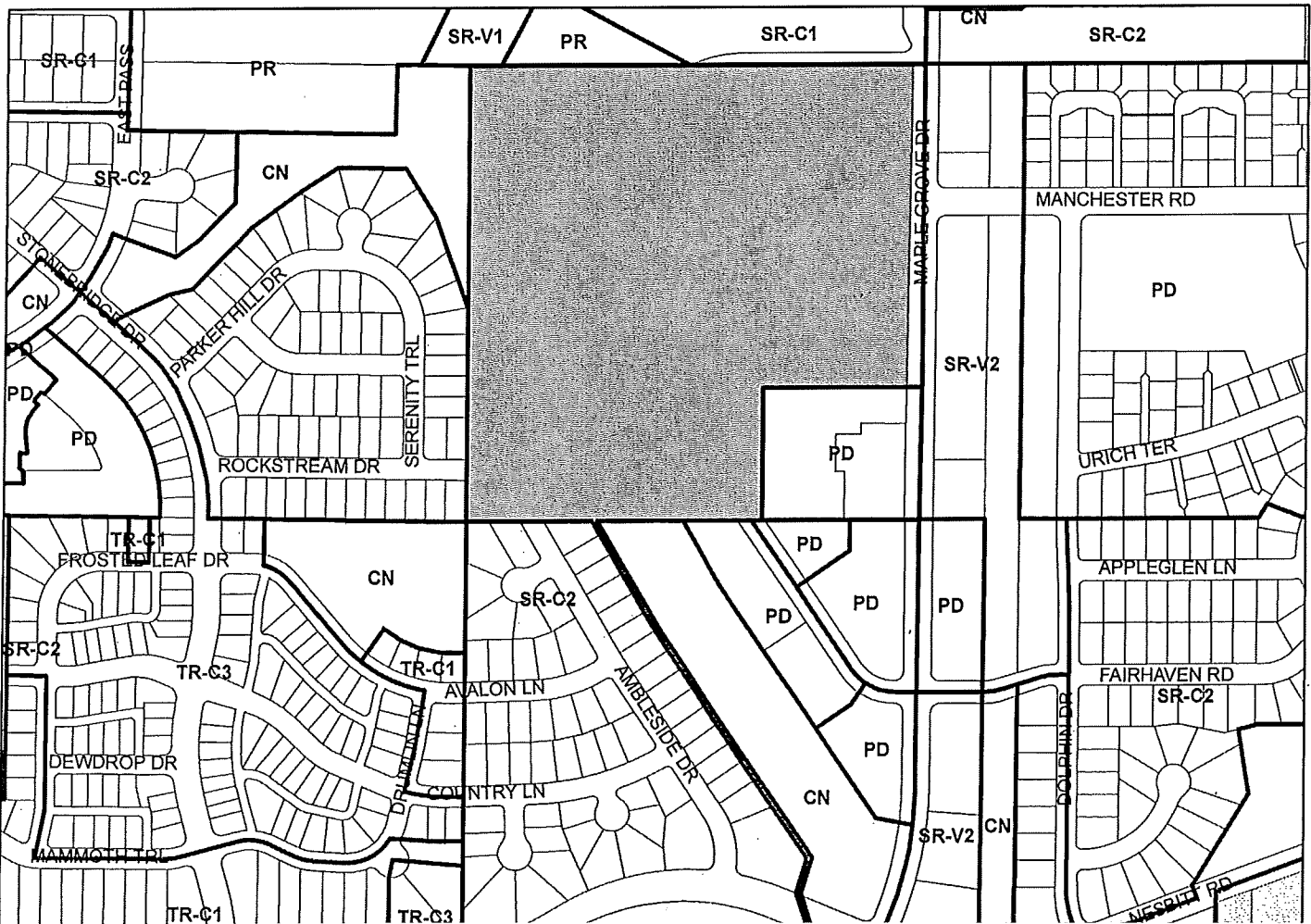
Public Hearing Date

Plan Commission
02 April 2018

Common Council
10 April 2018



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



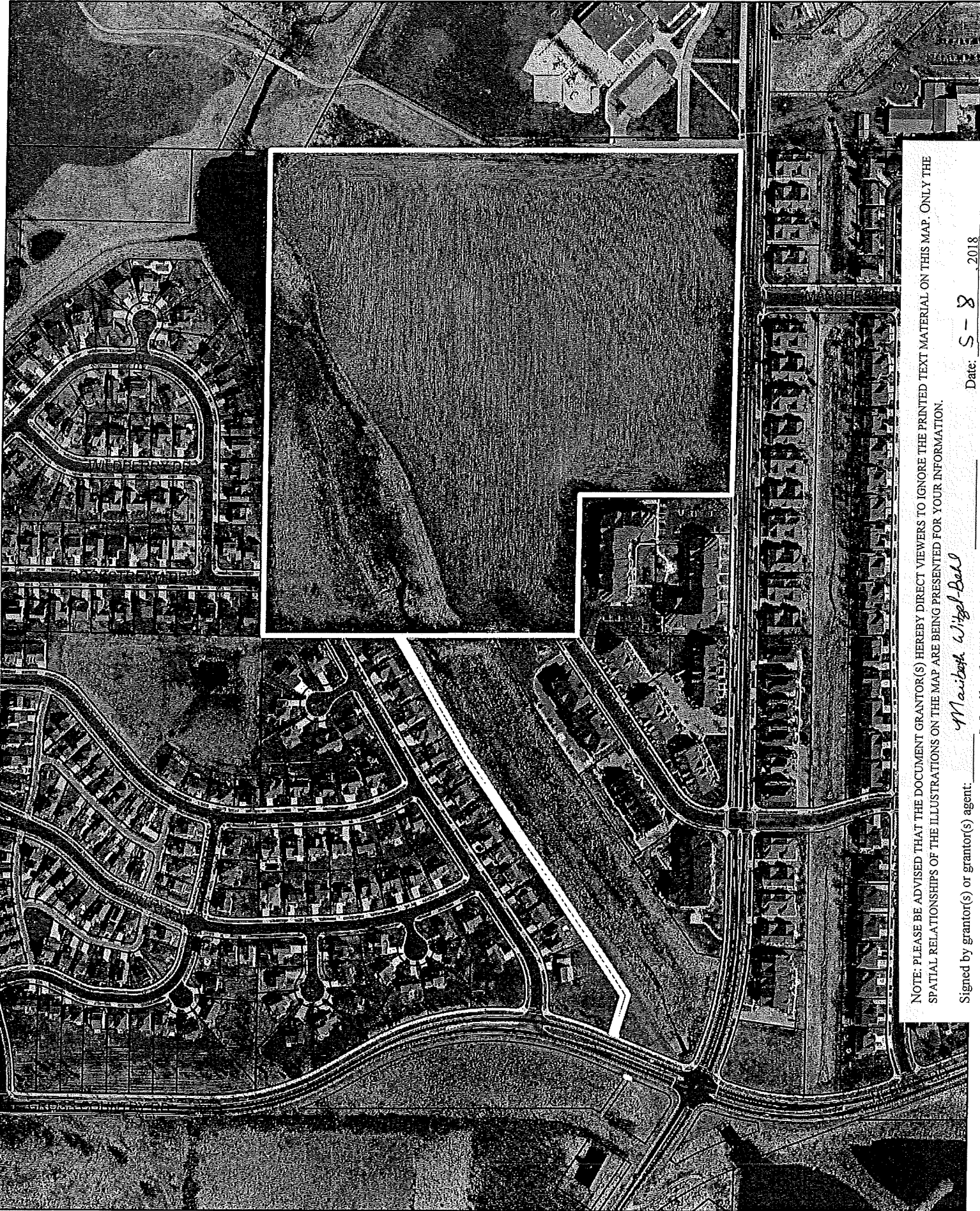
NOTE: PLEASE BE ADVISED THAT THE DOCUMENT GRANTOR(S) HEREBY DIRECT VIEWERS TO IGNORE THE PRINTED TEXT MATERIAL ON THIS MAP. ONLY THE SPATIAL RELATIONSHIPS OF THE ILLUSTRATIONS ON THE MAP ARE BEING PRESENTED FOR YOUR INFORMATION.

Scale :

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

Date: 5-8, 2018

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



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Signed by grantor(s) or grantor(s) agent: Maribeth Witzel-Behl Date: 5-8, 2018

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

EXHIBIT "B"

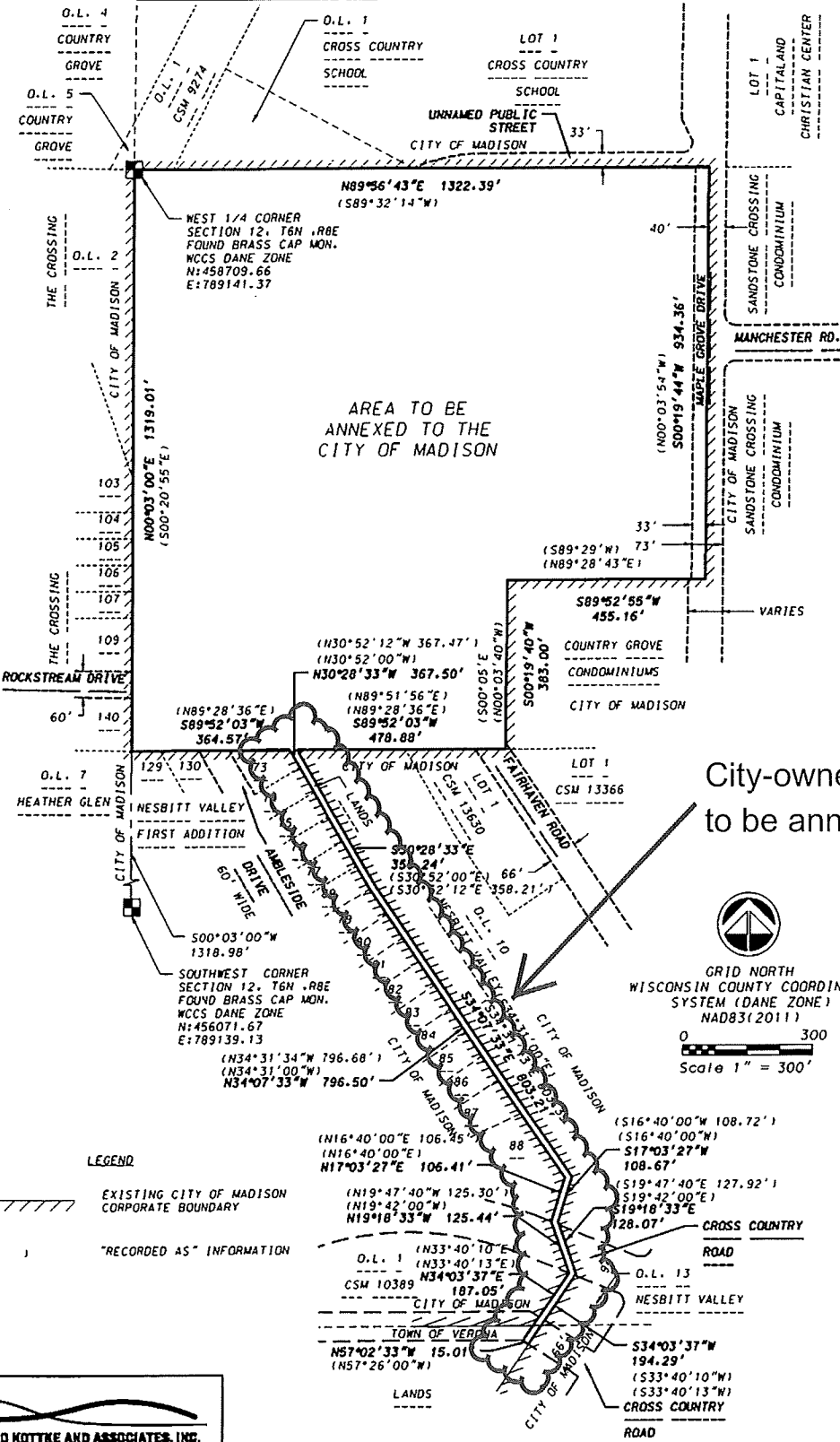
LANDS TO BE ANNEXED TO THE CITY OF MADISON

ENACTMENT NO. _____ AREA: _____

FILE ID NO. _____

DATE ADOPTED _____

DATE PUBLISHED _____



LEGEND

- EXISTING CITY OF MADISON CORPORATE BOUNDARY
- "RECORDED AS" INFORMATION

D'ONOFRIO KOTTKE AND ASSOCIATES, INC.

7530 Westward Way, Madison, WI 53717
 Phone: 608.833.7530 • Fax: 608.833.1089
 YOUR NATURAL RESOURCE FOR LAND DEVELOPMENT

DATE: November 13, 2017
 F.N.: 17-07-118

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: 5-8, 2018

PLANNING DIVISION STAFF REPORT

April 2, 2018



PREPARED FOR THE PLAN COMMISSION

Project Address: Adjacent to 3502-3848 Maple Grove Drive
Application Type: Direct Annexation from Town of Verona
Legistar File ID # 50764
Prepared By: Timothy M. Parks, Planning Division

Summary

Requested Action: Approval of Ordinance ID 50764, annexing 36.46 acres of land primarily located adjacent to 3502-3848 Maple Grove Drive from the Town of Verona to the City of Madison.

Petitioners: William Kuntsman; Donald & Ruth Bongey Trust; Debra Shimon Inheritance Trust; Cynthia S. Markbreiter Revocable Trust; Terry A. Kurth, and; Thomas J. Schmitt, Schmitt Family Trust, all as owners of 34.5 acres of the proposed annexation; City of Madison as owner of 2.0 acres of the proposed annexation.

Status of Petitioners: Property owners. According to the petition, there are no electors on the property, which is undeveloped.

Applicable Regulations & Standards: Section 66.0217 of Wisconsin Statutes outlines the process for annexation of land to municipalities in the State of Wisconsin.

Review Required By: Plan Commission and Common Council.

Development Schedule: Following annexation, it is anticipated that the 34.5-acre parcel will be zoned and subdivided for residential development by a third party; there is no timeline for when those approvals will be requested. The City-owned parcel will continue to be used as greenway managed by the Stormwater Utility.

Parcel Location: The 34.5-acre parcel that comprises most of the property to be annexed has approximately 934.4 feet of frontage along the west side of Maple Grove Drive south of Cesar Chavez Elementary School (3502 Maple Grove Drive) and opposite Manchester Road. The City-owned parcel is a 15-foot wide, quarter-mile long panhandle that connects the 34.5-acre property to the rest of the Town of Verona at Cross Country Road. The land is adjacent and will be annexed to Aldermanic District 7 (King). The parcel are located in the Verona Area School District.

Adopted Land Use Plan: The Cross Country Neighborhood Development Plan recommends that most of the 34.5-acre parcel be developed with medium-density residential uses between 12-16 dwelling units per acre. Badger Mill Creek, which runs north-south through the parcel is recommended for park, drainage and open space uses, as is a small addition to Country Grove Park at the northwestern corner of the property. West of the creek, the plan recommends that the rest of the 34.5 acres be developed with low-density residential uses up to 8 units per acre. The City-owned parcel is recommended for park, drainage and open space uses.

Public Utilities and Services: The subject site is located in the Central Urban Service Area. Public sewer is available to the site and includes a Madison Metropolitan Sewerage District interceptor that extends through the site parallel to Badger Mill Creek, and City of Madison sewers adjacent to the southwestern corner of the 34.5-acre parcel and in Maple Grove Drive. City water is available in Maple Grove Drive and across the southwestern corner of the 34.5-acre parcel west of the creek. The City believes that it can provide a full array of services to the site following annexation and future development.

An environmental corridor extends through the site parallel to Badger Mill Creek. The corridor includes the intermittent stream and attendant floodplain. Wetlands parallel the creek corridor, with additional areas of wetlands located adjacent to Maple Grove Drive opposite Manchester Road and in a small area adjacent to the southern property line.

Project Description, Analysis and Conclusion

The property owners request direct annexation of two parcels of land totaling 36.46 acres to the City of Madison from the Town of Verona. The property to be annexed is undeveloped and is principally located along the west side of Maple Grove Drive adjacent to Cesar Chavez Elementary School. The majority of the property to be annexed—approximately 34.5 acres—is privately owned by a group of family members and is colloquially known as the “Schmitt Farm.”

The remainder of the proposed annexation consists of a 15-foot wide, quarter-mile long strip of land owned by the City of Madison. Consistent with Section 66.0221(1), Wis. Stats., which generally prohibits a city or village from creating by annexation a town area which is completely surrounded by the city or village (also known as creating a “town island”), the strip, which contains about two acres of land, was not annexed to the City when the adjacent land to the west and east was annexed to the City in July 2000 and subsequently developed as the Nesbitt Valley subdivision. The strip, which is managed by the Stormwater Utility and is adjacent to Outlot 10 of the Nesbitt Valley subdivision, serves as the connecting strip linking the Schmitt Farm to the rest of the Town of Verona at Cross Country Road. The Common Council adopted Resolution 18-00065 (ID [50098](#)) on January 16, 2018 to allow the City execute the subject annexation petition consistent with City policies to annex or attach properties it owns into its corporate limits whenever practical. Once the Schmitt Farm is annexed, there would be no need to maintain the strip in the Town.

The parcels will be zoned Temporary A—Agricultural with the annexation. No development plans have been formally submitted for review at this time, although it is anticipated that the 34.5-acre “Schmitt” property will be developed in the future by a third party with residential uses consistent with the [Cross Country Neighborhood Development Plan](#). The City-owned parcel will remain greenway following annexation.

Recommendation

The Planning Division recommends that the Plan Commission forward this annexation ordinance to the Common Council with a favorable recommendation.



SCOTT WALKER
GOVERNOR
ELLEN NOWAK
SECRETARY

Municipal Boundary Review
PO Box 1645, Madison WI 53701
Voice (608) 264-6102 Fax (608) 264-6104
Email: wimunicipalboundaryreview@wi.gov
Web: <http://doa.wi.gov/municipalboundaryreview>

March 08, 2018

PETITION FILE NO. 14092

MARIBETH WITZEL-BEHL, CLERK
CITY OF MADISON
210 M L K JR BLVDRM 103
MADISON, WI 53703-3345

JOHN WRIGHT, CLERK
TOWN OF VERONA
7669 COUNTY HIGHWAY PD
VERONA, WI 53593-1035

Subject: SCHMITT ET AL ANNEXATION

The proposed annexation submitted to our office on February 16, 2018, has been reviewed and found to be in the public interest. In determining whether an annexation is in the public interest, s. 66.0217 (6), Wis. Stats. requires the Department to examine "[t]he shape of the proposed annexation and the homogeneity of the territory with the annexing village or city..." so as, to ensure the resulting boundaries are rational and compact. The statute also requires the Department to consider whether the annexing city or village can provide needed municipal services to the territory. The subject petition is for territory that is reasonably shaped and contiguous to the **CITY OF MADISON**, which is able to provide needed municipal services.

The Department reminds clerks of annexing municipalities of the requirements of s. 66.0217 (9)(a), Wis. Stats., which states:

"The clerk of a city or village which has annexed shall file immediately with the secretary of administration a certified copy of the ordinance, certificate and plat, and shall send one copy to each company that provides any utility service in the area that is annexed. The clerk shall record the ordinance with the register of deeds and file a signed copy of the ordinance with the clerk of any affected school district..."

State and federal aids based on population and equalized value may be significantly affected through failure to file with the Department of Administration. Please file a copy of your annexing ordinance, including a statement certifying the population of the annexed territory. **Please include your MBR number 14092 with your ordinance.** Ordinance filing checklist available at <http://mds.wi.gov/>, click on "Help on How to Submit Municipal Records". Email scanned copy of required materials (color scan maps with color) to mds@wi.gov or mail to: Wisconsin Department of Administration, Municipal Boundary Review, PO Box 1645, Madison WI 53701-1645.

The petition file is available for viewing at: <http://mds.wi.gov/View/Petition?ID=2163>
Please call me at (608) 264-6102, should you have any questions concerning this annexation review.

Sincerely,

Erich Schmidtke, Municipal Boundary Review

cc: petitioner