

ATTACHMENT AGREEMENT
Between the City of Madison and Joseph A. Schutz

THIS AGREEMENT, entered into by and between the City of Madison, a Wisconsin municipal corporation (hereinafter "City"), 210 Martin Luther King Jr., Blvd., Madison, Wisconsin 53703, and Joseph A. Schutz, 4963 Bultman Rd., Town of Burke, is effective as of the date by which all parties have signed hereunder.

WITNESSETH:

WHEREAS, Joseph A. Schutz (hereinafter "Owner") is the sole owner of the property identified with Tax Key Number 014/0810-342-8390-3 located at 4963 Bultman Rd. in the Town of Burke, Dane County, Wisconsin, described and illustrated in Exhibits A and B (hereinafter "Property"); and,

WHEREAS, Property currently is not connected to the City sanitary sewer, although a sanitary sewer main runs by the property under Bultman Rd.; and,

WHEREAS, Owner now desires to connect Property to the City sanitary sewer; and,

WHEREAS, under the Final Town of Burke, Village of DeForest, City of Sun Prairie and City of Madison Cooperative Plan ("the Plan"), approved on May 4, 2007 pursuant to Wis. Stat. §66.0307, Property is scheduled to attach to City on October 27, 2036; and,

WHEREAS, under Sections 8.C.1. and 12.C of the Plan, Owner may request connection to City sewer and/or water services prior to 2036, provided the services are reasonably available, the Property is in an Urban Service Area, Owner agrees to pay for extension of the services to Property over a five-year period with interest, and Owner agrees to attachment of Property to City at the end of the five-year period; and,

WHEREAS, sanitary sewer services are reasonably available to Property, Property is in an Urban Service Area, and due to the location of the sanitary sewer, service will not need to be extended to serve the property; and,

WHEREAS, Owner agrees to the terms of service and future attachment of Property to City under the terms and conditions outlined herein;

NOW, THEREFORE, for and in consideration of the mutual covenants, agreements, terms and conditions hereinafter set forth, Owner and City, with intent to be bound, do hereby agree as follows:

1. Owner shall petition for attachment of Property to the City of Madison, and the attachment of Property to Madison shall become effective five (5) years from the date of passage of the Intermediate Attachment Ordinance, pursuant to Sections 10 and 12.C of the Plan.
2. Upon passage of the Intermediate Attachment Ordinance and execution of this Agreement, Owner may connect Property to the City sanitary sewer in the manner specified in the Madison General Ordinances and policies in effect at the time of passage. Owner is responsible for all the costs to connect Property to the sanitary sewer services as well as the customary and ordinary connection charges imposed by

City including but not limited to the City sewer area charge of the \$3.90/1000 sf. Owner also agrees to pay any sewer area charges levied by the Madison Metropolitan Sewerage District (MMSD) as determined by MMSD, currently anticipated to be \$41.00/ 1000 sf. Owner further agrees to repay any costs that may be incurred by City to extend service to Property over a period of five (5) years, with interest. Upon connection to the sanitary sewer, Owner will become a customer of the respective utility, and agrees to be bound by the terms of service thereof.

3. This Agreement shall run with the land, be recorded in the Office of the Dane County Register of Deeds and shall be binding upon Owner, as well as Owner's successors, assigns, heirs, or any other person taking any interest or right in the Property after the date on which this Agreement is executed.
4. This Agreement shall be subject to enforcement by specific performance in a court of law or equity should Owner refuse to abide by the terms and conditions of the Agreement. Owner shall pay all court costs and attorney's fees that City expends in an action to enforce this Agreement.
5. In the performance of this Agreement, Owner agrees not to discriminate against any employee or applicant for employment because of race, religion, marital status, age, color, sex, handicap, national origin or ancestry, income level or source of income, arrest record or conviction record, less than honorable discharge, physical appearance, sexual orientation, political belief or student status. Owner further agrees not to discriminate against any subcontractor or person who offers to subcontract on this Agreement because of race, religion, color, age, disability, sex, or national origin.
6. This Agreement may be amended only by written instrument signed by both parties.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by individuals and officers duly authorized on the dates noted below.



Joseph A. Schutz, Owner 11-4-10
Date

CITY OF MADISON

BY: _____
David Cieslewicz Date
Mayor

BY: _____
Maribeth Witzel-Behl Date
City Clerk

APPROVED AS TO FORM:

BY: _____
Michael May Date
City Attorney

BY: _____
Dean Brassler Date
City Comptroller

EXHIBIT A

Property Legal Description:

Part of the Northeast 1/4 of the Northwest 1/4 of Section 34, T8N, R10E, Town of Burke, Dane County, Wisconsin, described as follows:

Commencing at the North 1/4 Corner of said Section 34; Thence S00°15'57"W, 1057.40 feet along the East line of said Northwest 1/4 to the point of beginning; thence N89°44'03"W, 168.00 feet to the Easterly plat line of Ridgewood; thence S00°15'57"W, 160.00 feet along said Easterly plat line to the North line of those lands described in Volume 1010 of Records, Page 231; thence S89°44'03"E, 168.00 feet along said North line to said East line of the Northwest 1/4; thence N00°15'57"E, 160.00 feet along said East line to the point of beginning; Containing 26,880 square feet, or 0.617 acres, or 0.000964 sq. miles.



BIRRENKOTT SURVEYING, INC.

P.O. Box 237
1677 N. Bristol Street
Sun Prairie, WI. 53590
Phone (608) 837-7463
Fax (608) 837-1081

ATTACHMENT MAP

North 1/4 Corner
Sec 34-8-10

CITY OF MADISON
TOWN OF BURKE

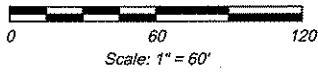
VOL. 550 OF RECORDS
PAGE 773

Attachment Description:

Part of the Northeast 1/4 of the Northwest 1/4 of Section 34, T8N, R10E, Town of Burke, Dane County, Wisconsin, described as follows:

Commencing at the North 1/4 Corner of said Section 34; thence S00°15'57"W, 1057.40 feet along the East line of said Northwest 1/4 to the point of beginning; thence N89°44'03"W, 168.00 feet to the Easterly plat line of Ridgewood; thence S00°15'57"W, 160.00 feet along said Easterly plat line to the North line of those lands described in Volume 1010 of Records, Page 231; thence S89°44'03"E, 168.00 feet along said North line to said East line of the Northwest 1/4; thence N00°15'57"E, 160.00 feet along said East line to the point of beginning; Containing 26,880 square feet, or 0.617 acres, or 0.000964 sq. miles.

Bearings referred to the East line of the Northwest 1/4 of Sec. 34-8-10, assumed bearing of S00°15'57"W



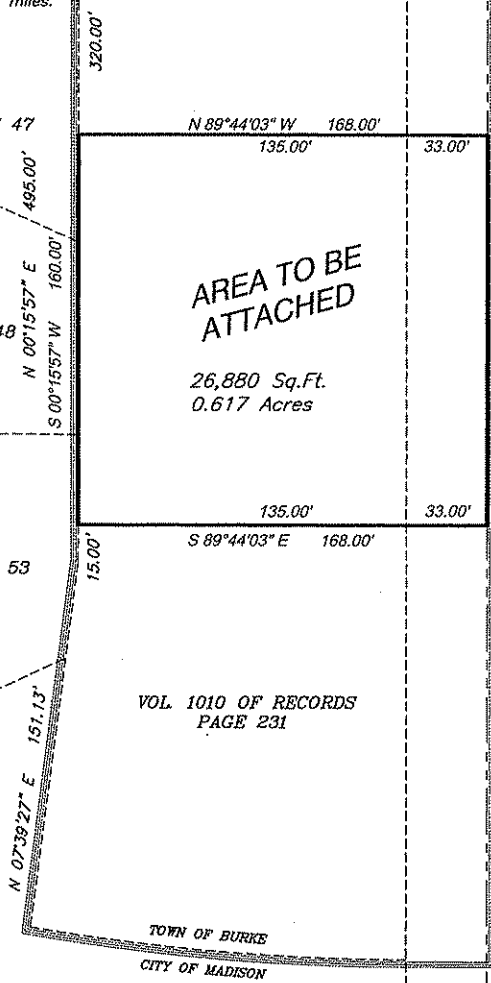
ATTACHMENT TO THE CITY OF MADISON

ORDINANCE NUMBER _____
I.D. NUMBER _____
DATE ADOPTED _____
DATE PUBLISHED _____
ALDERMANIC DISTRICT ATTACHED TO 17th
AREA 0.000964 Sq. Miles

Legend:

==== = Corporate Boundary

LOT 47
RIDGEWOOD
LOT 48



VOL. 1010 OF RECORDS
PAGE 231

1057.40'
S 00°15'57" W
320.00'
N 89°44'03" W 168.00'
135.00'
33.00'
33.00'
135.00'
S 89°44'03" E 168.00'
15.00'
N 00°15'57" E 160.00'
S 00°15'57" W 160.00'
N 07°39'27" E 151.13'
1587.23'
S 00°15'57" W
2644.63'
S 00°15'57" W
1057.40'

Revised: November 3, 2010
Dated: September 10, 2010
Drawn: M.A.P.
Checked:
Approved: D.V.B.
Comp. File: J:\2010\CARLSON

Prepared For:
Joe Schutz
4635 Bultman Road
Madison, Wis. 53704
807-6795

Center 1/4 Corner
Sec 34-8-10