

October 16th, 2018

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

RE: Petition for Attachment  
Land owned by the Herring Family Limited Partnership in the Town of Middleton

Dear Clerk:

Enclosed for filing is the Petition for Attachment by Unanimous Consent for the property shown on the attached exhibits. A copy has been sent via U.S. mail and email to the Town of Middleton.

Please contact me if you have any questions.

Sincerely,

Ryan McMurtrie

  
Vice President – Development  
United Financial Group, Inc.

Cc: Mr. David Shaw, Town of Middleton, via email and U.S. mail  
Mr. Tim Parks, City of Madison, via email





PETITION FOR ATTACHMENT  
BY DIRECT ANNEXTION – SECTION 66.0217(2), Wis. Stats.  
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  
755 W. OLD SAUK ROAD  
VERONA, WI. 53593-9700

Pursuant to Section 12.01 of the September 29, 2003 Final City of Madison and Town Cooperative Plan and Section 66.0217(2) Wis. Stats, the undersigned, constituting all of the owners of the real property located within the Territory described below, do hereby unanimously petition the Common Council of the City of Madison, a municipal corporation located in Dane County, Wisconsin, to attach the Territory from the Town of Middleton to the City of Madison. There are no dwellings, no electors, and zero population in the Territory.


The Territory is legally described on Exhibit "A".

A scale map of the Territory to be attached, labeled Exhibit "B", showing the boundaries of such Territory and the relation of the Territory to the municipality to which attachment is being requested is included herein and incorporated by reference in the petition.

The area of the Territory to be attached is 6,178,849 square feet, 141.8469 acres.

The undersigned requests that the attachment be approved and take effect in the manner provided for by law.

HERRLING FAMILY LIMITED PARTNERSHIP  
By its general partner, G&M HERRLING LLC

By:   
Mark Herrling  
Authorized member of G&M-Herrling LLC

By: \_\_\_\_\_  
Gregory B. Herrling  
Authorized member of G&M Herrling LLC

# EXHIBIT "A"

## AREA OF ATTACHMENT LEGAL DESCRIPTION

All that part of the Northwest 1/4, Northeast 1/4, Southwest 1/4 and the Southeast 1/4 of the Southeast 1/4 of Section 20, Town 7 North, Range 8 East, in the Town of Middleton, Dane County, Wisconsin, now being more particularly bounded and described as follows:

Commencing at the East 1/4 Corner of said Section 20; said point being the place of beginning of lands hereinafter described;

Thence South 01°19'36" West and along the East line of the said Southeast 1/4 Section, 2584.44 feet to a point on the North Right-of-Way line of "W. Mineral Point Road"; Thence North 89°52'41" West and along the said North Right-of-Way line being parallel to and at a right angle distance of 50.00 feet from the South line of the said Southeast 1/4 Section, 1323.47 feet to a point; Thence South 00°29'09" West, 110.00 feet to a point on the South Right-of-Way line of said "W. Mineral Point Road"; Thence North 89°52'41" West and along the said South Right-of-Way line being parallel to and at a right angle distance of 60.00 feet from the said South line of the said Southeast 1/4 Section, 1158.69 feet to a point; Thence North 01°26'54" East and along the East line of Unplatted Lands and its Southerly extension, 324.02 feet to a point; Thence North 89°52'41" West and along the North line of said Unplatted Lands and its Westerly extension and being parallel to the said South line of the said Southeast 1/4 Section, 165.75 feet to a point on the West line of the said Southeast 1/4 Section; Thence North 01°17'06" East and along the said West line of the said Southeast 1/4 Section, 1076.16 feet to a point; Thence South 89°41'26" East and along the South line of Unplatted Lands and its Westerly extension and being parallel to the North line of the said Southeast 1/4 Section, 583.46 feet to a point; Thence North 01°26'54" East and along the East line of said Unplatted Lands, 1303.00 feet to a point on the said North line of the said Southeast 1/4 Section; Thence South 89°41'26" East and along the said North line of the said Southeast 1/4 Section, 2060.00 feet to the point of beginning of this description.

Said Parcel contains 6,178,849 Square Feet (or 141.8469 Acres of land), more or less.

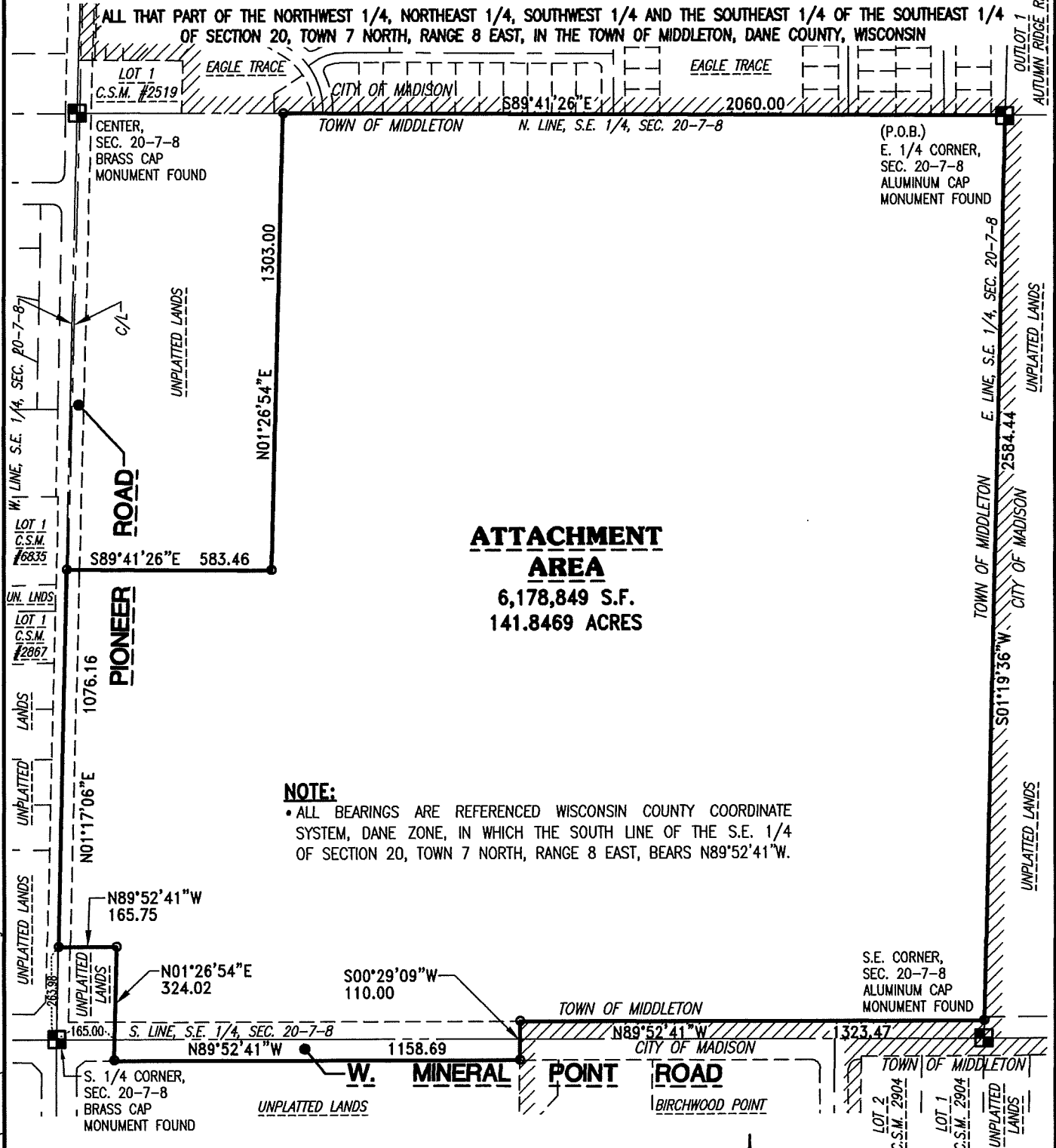
Date: 07/19/18

Rev: 08/14/18

# EXHIBIT "B"

## AREA OF ATTACHMENT MAP

ALL THAT PART OF THE NORTHWEST 1/4, NORTHEAST 1/4, SOUTHWEST 1/4 AND THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 20, TOWN 7 NORTH, RANGE 8 EAST, IN THE TOWN OF MIDDLETON, DANE COUNTY, WISCONSIN

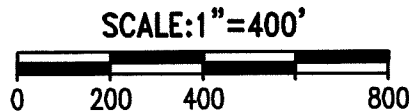


**ATTACHMENT  
AREA**  
6,178,849 S.F.  
141.8469 ACRES

**NOTE:**

• ALL BEARINGS ARE REFERENCED WISCONSIN COUNTY COORDINATE SYSTEM, DANE ZONE, IN WHICH THE SOUTH LINE OF THE S.E. 1/4 OF SECTION 20, TOWN 7 NORTH, RANGE 8 EAST, BEARS N89°52'41"W.

**PREPARED BY:**  
TRIO ENGINEERING, LLC  
12660 W. NORTH AVE., BLDG "D"  
BROOKFIELD, WI 53005  
PHONE: 262-790-1480  
FAX: 262-790-1481



REV: 08/27/18  
REV: 08/14/18  
DATE: 07/19/18  
SHEET 1 OF 1

THIS EXHIBIT WAS PREPARED BY GRADY L. GOSSER, P.L.S. (S-2972)

HERRLING FAMILY LIMITED PARTNERSHIP  
RESOLUTION PERTAINING TO  
DEVELOPMENT AND ANNEXATION OF PROPERTY

**BACKGROUND RECITALS**

**Whereas**, Herrling Family Limited Partnership (herein “the Partnership”) was formed by filing a Certificate of Limited Partnership with the Wisconsin Department of Financial Institutions effective October 8, 2001; and

**Whereas**, the Agreement of Limited Partnership of Herrling Family Limited Partnership dated September 28, 2001 (herein “the Partnership Agreement”) is the current and complete Partnership Agreement of the Partnership; and

**Whereas**, pursuant to the Partnership Agreement, the Partnership is managed by G & M Herrling LLC, the General Partner of the Partnership, holding a 1% ownership interest (herein individually “the General Partner”), and Gregory B. Herrling and Mark Herrling are the Limited Partners holding a 99% ownership interest (herein collectively “the Limited Partners”), and together the General Partner and Limited Partners (herein “the Partners”) own 100% of the Partnership interests; and

**Whereas**, the Partnership currently own a 100% interest in real property located in the Southwest 1/4 of Section 20, Town 7 North, Range 8 East, Town of Middleton, Dane County, Wisconsin (herein “the Property”) and the Partners desire to facilitate development of the Property under the jurisdiction of the City of Madison and to petition the Common Council of the City of Madison to attach the Property by direct annexation from the Town of Middleton to the City of Madison; and

**Whereas**, in accordance with Article 5.1 of the partnership Agreement, the General Partner has the sole and exclusive right in the management and control of the affairs of the Partnership to make the decisions affecting the Partnership affairs and may take such action as it deems necessary to accomplish the purpose of the Partnership including, pursuant to Article 5.2, the right to execute and deliver any and all agreements, documents, certifications, and instruments necessary or convenient in connection with management, maintenance, and operation of the Partnership assets, or in connection with managing the affairs of the Partnership, including amendments to the Partnership Agreement, if approved by the holders of more than 50% of the Limited Partner Units, and subject to the restrictions of Article 9.9 of the Partnership Agreement, and the Certificate of Limited Partnership; and to execute, in furtherance of the purposes of the Partnership, any deed, lease, mortgage, deed of trust, mortgage note, promissory note, bill of sale, contract or other instrument purporting to convey or encumber any Partnership asset; and to engage in any kind of activity and perform and carry out agreements of any kind necessary or incidental to, or in connection with, the accomplishment of the purposes of the Partnership as may be lawfully carried on or performed by the Partnership; and

**Whereas**, the Partnership, by its authorized General Partner, hereby adopts the following resolution, which is acknowledged and consented to by the Partnership’s two Limited Partners:

(Resolution on following page)

**RESOLUTION**

**Resolved**, that the Partnership, upon signature on behalf of its General Partner, is hereby authorized to petition the City of Madison for direct annexation of the Property, and the General Partner does hereby direct the Partnership to facilitate the annexation, including executing and delivering any and all other documents as deemed necessary, at the discretion of the General Partner, for the Partnership to effect the annexation and development of the Property.

**Copy signatures transmitted by fax, email, or other electronic transmission and counterpart signature pages are deemed as binding and valid as originals for purposes of this document.**

Dated and effective August 1, 2018, regardless of the date signed below.

HERRLING FAMILY LIMITED PARTNERSHIP

BY: G & M Herrling LLC, General Partner

SUBSCRIBED AND SWORN to before me  
this 26 day of September, 2018.

Christine Frame

Notary Public, State of Wisconsin

My commission expires 2-8-2022

By: Gregory B. Herrling  
Gregory B. Herrling, Member

By: \_\_\_\_\_  
Mark Herrling, Member

**ACKNOWLEDGMENT AND CONSENT BY LIMITED PARTNERS**

The forgoing recitals and Resolution are hereby acknowledged as true and accurate expressions of the exclusive authority of G & M Herrling LLC as the sole General Partner to act on behalf of Herrling Family Limited Partnership for all purposes stated above including but not limited to petitioning the City of Madison for direct annexation of the Partnership's property referenced above to be removed from the Town of Middleton and become part of the City of Madison.

LIMITED PARTNERS:

SUBSCRIBED AND SWORN to before me  
this 26 day of September, 2018.

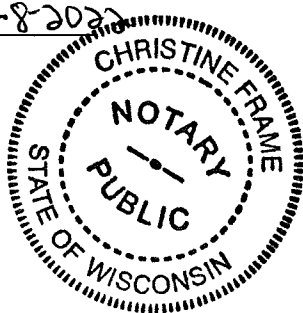
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Gregory B. Herrling  
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Mark Herrling



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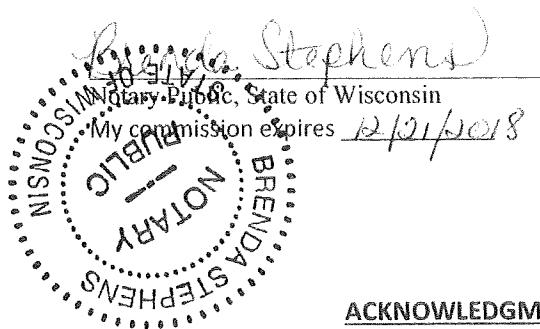
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By: \_\_\_\_\_  
Gregory B. Herrling, Member

By: Mark Herrling  
Mark Herrling, Member



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LIMITED PARTNERS:

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this 26 day of September, 2018.

\_\_\_\_\_  
Gregory B. Herrling

Brenda Stephens

Mark Herrling  
Mark Herrling

