

ATTACHMENT AGREEMENT
Between the City of Madison and Diane Sturdevant

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 Diane M. Sturdevant (hereinafter "Owner"), is effective as of the date by which both parties have signed hereunder.

WITNESSETH:

WHEREAS, Diane M. Sturdevant, 934 Eagle Crest Dr., Town of Burke, Dane County, Wisconsin, 53704, is the sole owner of the property identified with Tax Key Number 014/0810-344-9660-2 located adjacent to Eagle Crest Dr. in the Town of Burke, Dane County, Wisconsin, described and illustrated in Exhibits A and B (hereinafter "Property");

WHEREAS, Property currently is not connected to the City sanitary sewer or water utilities, although a sanitary sewer main and water main run by the property under Eagle Crest Dr.;

WHEREAS, Owner now desires to connect Property to the City sanitary sewer and water utilities to facilitate the improvement of Property;

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;

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;

WHEREAS, sanitary sewer and water services are reasonably available to Property, Property is in an Urban Service Area, and due to the location of the sanitary sewer and water mains, 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 effective date of the Intermediate Attachment Ordinance, pursuant to Sections 10 and 12 C of the Plan.
2. Upon adoption of the Intermediate Attachment Ordinance and execution of this Agreement, Owner may connect Property to the City sanitary sewer and water services in the manner specified in the Madison General Ordinances and policies in effect at the time of adoption. Owner is responsible for all the costs to connect Property to the sanitary sewer and water services as well as the customary and ordinary connection charges imposed by City. Owner also agrees to pay any sewer area charges levied by the Madison Metropolitan Sewerage District (MMSD) as determined by MMSD. Upon connection to the sanitary sewer and water services, 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 at Owner's expense, 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.

Diane M. Sturdevant 10/1/10
Diane M. Sturdevant, Owner Date

CITY OF MADISON

BY: [Signature] 10-12-10
David Cieslewicz Date
Mayor

BY: Maribeth Witzel-Behl 10-10-10
Maribeth Witzel-Behl Date
City Clerk

APPROVED AS TO FORM:

BY: Patricia A. Fauten 10/12/10
for Michael May Date
City Attorney

BY: [Signature] 10/11/10
Dean Brasser Date
City Comptroller

EXHIBIT A

ATTACHMENT TO THE CITY OF MADISON METES AND BOUNDS DESCRIPTION

Being a part of the Southeast Quarter of the Southeast Quarter of Section 34, Township 08 North, Range 10 East, Town of Burke, Dane County, Wisconsin, more fully described as follows:

Commencing at the southeast corner of Lot 1, Certified Survey Map Number 11073, as recorded in Volume 66 of Certified Survey Maps, on pages 265-268, as Document Number 3916860, Dane County Registry; thence South 89 degrees 57 minutes West along the south line of said CSM, 143.55 feet to the **Point of Beginning**; thence South 00 degrees 02 minutes 12 seconds West, 150.00 feet; thence South 89 degrees 57 minutes West, 178.1 feet, more or less, to the centerline of Eagle Crest Drive; thence North 00 degrees 02 minutes 40 seconds West to the westerly extension of the south line of the aforementioned Certified Survey Map Number 11073; thence North 89 degrees 57 minutes East along said south line, 178.31 feet, more or less, to the **Point of Beginning**. This description contains 26,730 square feet or 0.6136 acres.

Bearings are based upon the west line of the Southeast Quarter of the Southeast Quarter of said Section 34 assumed to bear North 00 degrees 06 minutes East per Andrew Dahlen Map 3332.

Prepared by:

Burse Surveying and Engineering, Inc.
1400 E. Washington Avenue, Suite 158
Madison, WI 53703

EXHIBIT B

ATTACHMENT TO THE CITY OF MADISON

ORDINANCE No. _____
 I.D. No. _____
 DATE ADOPTED _____
 DATE PUBLISHED _____

ALD. DISTRICT ANNEXED TO _____
 AREA 26,730 SQ. FT. 0.6136 ACRES



1"=80'

GLACIER HEIGHTS

EAGLE CREST DRIVE

PRAIRIE
ROSE

GLACIER HEIGHTS

City of Madison

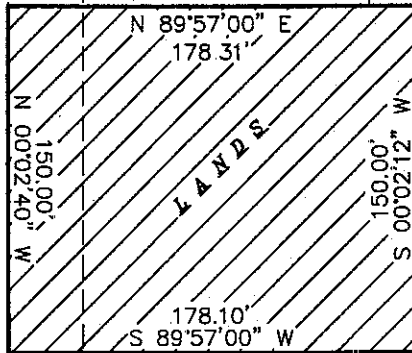
Town of Burke

LANDS

CSM 11023

City of

Madison



143.55'
S 89°57'00" W

Town of Burke

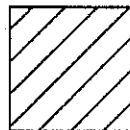
LANDS

VERNON ROAD

LANDS

KEY

----- CITY OF MADISON LIMITS LINE



ANNEXATION AREA AND BOUNDARY