



**City of Madison**

**Legislative File Number 04097 (version 1)**

**Title**

Creating Section 15.01(558) of the Madison General Ordinances entitled "City Boundaries" and being part of the chapter entitled "Aldermanic Districts and Wards" annexing to the 3rd Aldermanic District the Schweiss, et. al. Annexation and assigning a temporary zoning classification of A Agriculture District, creating Section 15.02(139) of the Madison General Ordinances to assign the attached property to Ward 139, and amending Section 15.03(3) to add new Ward 139 to the 3rd Aldermanic District.

**Body**

DRAFTER'S ANALYSIS: This ordinance annexes land in the Town of Burke.

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An ordinance to create Subsection (558) 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 with scale map attached was filed with the City Clerk of Madison on June 7, 2006, mailed to the Clerk of the Town of Burke on June 6, 2006, and the Municipal Boundary Review Section, Department of Commerce, State of Wisconsin, on June 6, 2006, 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 Burke; said petition having been signed by the owners of all the real property in the territory, there being no residents within the territory, which lies contiguous to the City of Madison; and

WHEREAS, pursuant to Sec. 28.04(7), Madison General Ordinances, the annexed territory is declared to be in the A Agriculture District and the annexation and temporary zoning were considered by the Plan Commission at its meeting of July 24, 2006, and adoption of the said annexation and zoning were recommended; and

WHEREAS, pursuant to Wis. Stats. sec. 66.0217(14)(a)1., the City of Madison agrees to pay annually to the Town of Burke, 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. sec. 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 the determination of the Department of Commerce, Municipal Boundary Review Section, State of Wisconsin, that the below described annexation has been reviewed and found to be in the public interest, having been reviewed, the Common Council now accepts the petition as sufficient and 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 (558) of Section 15.01 of the Madison General Ordinances is hereby created to read as follows:

"15.01(558) - There is hereby attached to the 17th Aldermanic District, the City of Madison, Dane County, Wisconsin, the following described property:

" Part of the East half (1/2) of the Southwest Quarter of Section 35, Township 8 North, Range 10 East, Town of Burke, Dane County, Wisconsin, more fully described as follows:

Beginning at the Northeast corner of the Southeast Quarter of the Southwest Quarter of said Section 35; thence S89°36'27"W, along the North line of the Southeast Quarter of the Southwest Quarter of said Section 35, 33.00 feet to the Westerly right-of-way line of Felland Road; thence S00°26'14"W, along said Westerly right-of-way line, 714.24 feet to the Easterly extension of the North line of Lot 2, Certified Survey Map (C.S.M.) number 1799; thence N89°33'46"W, along said Easterly extension of the North line of Lot 2, C.S.M. number 1799, 7.00 feet to the Northeast corner of said Lot 2 of C.S.M. number 1799; thence S00°26'14"W, along the East line of said Lot 2, C.S.M. number 1799, 272.70 feet to the Southeast corner of said Lot 2; thence N89°33'46"W, along the South line of said Lot 2, 508.06 feet to the Southeast corner of lands described in Volume 704 of Records, Page 268, Document Number 1478868; thence N03°47'50"W, along the Easterly line of said lands, 14.04 feet; thence N00°26'14" East, along the Easterly line of said lands, 258.70 feet to the North line of said Lot 2, C.S.M. number 1799; thence N89°33'46"W, along said North line, 250.00 feet to the Northwest corner of said Lot 2 and the East line of C.S.M. number 1799; thence N00°26'14" East, along said East line of C.S.M. number 5458, 156.28 feet to the Northeast corner of said C.S.M. number 5458; thence S89°46'18"W, along the North line of said C.S.M. number 5458, 512.70 feet to the West line of the East half (1/2) of the Southwest Quarter of said Section 35; thence N00°24'55" East, along said West line, 1601.94 feet to the Southwest corner of the plat of BRIDLE DOWNS, according to the recorded plat thereof, said point also being on the South right-of-way line of Canter Drive; thence S89°33'46" East, along the South line of said BRIDLE DOWNS plat, 122.38 feet; thence S00°26'14"W, along said South plat line, 200.00 feet; thence S89°33'46" East, along said South plat line, 300.00 feet; thence S00°26'14"W, along said South plat line, 309.92 feet; thence S89°33'46" East, along said South plat line, 260.00 feet; thence N00°26'14" East, along said South plat line, 70.00 feet to a point of curvature; thence along said South plat line and the arc of a curve to the right through a central angle of 89°58'58", an arc distance of 31.41 feet, a radius of 20.00 feet and a chord bearing N45°26'14" East, 28.28 feet; thence S89°33'46" East, along said South plat line, 550.00 feet to a point of curvature; thence along said South plat line and the arc of a curve to the right through a central angle of 89°58'58", an arc distance of 31.41 feet, a radius of 20.00 feet and a chord bearing S44°33'46" East, 28.28 feet to the Westerly right-of-way line of Felland Road; thence S89°33'46" East, 40.00 feet to the East line of the Southwest Quarter of said Section 35; thence S00°26'14"W, along said East line, 597.64 feet to the point of beginning. This description contains approximately 1,877,618 square feet or 43.1 acres."

2. Subsection (139) of Section 15.02 entitled "Wards and Ward Boundaries" of the Madison General Ordinances is created to read as follows:

"(139) Ward 139. Beginning at the Northeast corner of the Southeast Quarter of the Southwest Quarter of said Section 35; thence S89°36'27"W, along the North line of the Southeast Quarter of the Southwest Quarter of said Section 35, 33.00 feet to the Westerly right-of-way line of Felland Road; thence S00°26'14"W, along said Westerly right-of-way line, 714.24 feet to the Easterly extension of the North line of Lot 2, Certified Survey Map (C.S.M.) number 1799; thence N89°33'46"W, along said Easterly extension of the North line of Lot 2, C.S.M. number 1799, 7.00 feet to the Northeast corner of said Lot 2 of C.S.M. number 1799; thence S00°26'14"W, along the East line of said Lot 2, C.S.M. number 1799, 272.70 feet to the Southeast corner of lands described in Volume 704 of Records, Page 268, Document Number 1478868; thence N03°47'50"W, along the Easterly line of said lands, 14.04 feet; thence N00°26'14" East, along the Easterly line of said lands, 258.70 feet to the North line of said Lot 2, C.S.M. number 1799; thence N89°33'46"W, along said North line, 250.00 feet to the Northwest corner of said Lot 2 and the East line of C.S.M. number 1799; thence N00°26'14" East, along said East line of C.S.M. number 5458, 156.28 feet to the Northeast corner of said C.S.M. number 5458; thence S89°46'18"W, along the North line of said C.S.M. number 5458, 512.70 feet to the West line of the East half (1/2) of the Southwest Quarter of said Section 35; thence N00°24'55" East, along said West line, 1601.94 feet to the Southwest corner of the plat of BRIDLE DOWNS, according to the recorded plat thereof, said point also being on the South right-of-way line of Canter Drive; thence S89°33'46" East, along the South line of said BRIDLE DOWNS plat, 122.38 feet; thence S00°26'14"W, along said South plat line, 200.00 feet; thence S89°33'46" East, along said South plat line, 300.00 feet; thence S00°26'14"W, along said South plat line, 309.92 feet; thence S89°33'46" East, along said South plat line, 260.00 feet; thence N00°26'14" East, along said South

plat line, 70.00 feet to a point of curvature; thence along said South plat line and the arc of a curve to the right through a central angle of 89°58'58", an arc distance of 31.41 feet, a radius of 20.00 feet and a chord bearing N45°26'14" East, 28.28 feet; thence S89°33'46" East, along said South plat line, 550.00 feet to a point of curvature; thence along said South plat line and the arc of a curve to the right through a central angle of 89°58'58", an arc distance of 31.41 feet, a radius of 20.00 feet and a chord bearing S44°33'46" East, 28.28 feet to the Westerly right-of-way line of Felland Road; thence S89°33'46" East, 40.00 feet to the East line of the Southwest Quarter of said Section 35; thence S00°26'14"W, along said East line, 597.64 feet to the point of beginning. Polling place at Kennedy Elementary School, 221 Meadowood Dr."

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

"(3) Third Aldermanic District. Wards 5, 6, 7, 8, 9, 111, 115, and 136, and 139."

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.

EDITOR'S NOTE: Pursuant to Sec. 66.0217(8), Wis. Stats., this annexation ordinance must be enacted by a two-thirds vote of the elected members of the Common Council or at least 14 votes. A separate roll call vote is requested on the temporary zoning.

Adopted on roll call at a regular meeting of the Common Council of the City of Madison, Wisconsin, held on

Annexation vote:

Temporary Zoning vote:

Ayes: \_\_\_\_\_  
Noes: \_\_\_\_\_

Ayes: \_\_\_\_\_  
Noes: \_\_\_\_\_

**Fiscal Note**

[enter Fiscal Note here]