

## TERMINATION OF ATTACHMENT AGREEMENT

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This Termination of Attachment Agreement (the "Termination") is made and entered into as of this 6<sup>th</sup> of January, 2016, by and between the **City of Madison**, a Wisconsin municipal corporation (the "City"), and **Joseph A. Schutz** (the "Owner") as it pertains to the property located at **4963 Bultman Road**, City of Madison, Dane County, Wisconsin, legally described on attached Exhibit A.

### WITNESSETH:

WHEREAS, the City and Owner entered into an Attachment Agreement (the "Agreement") on January 24, 2011 with authorization from Resolution Enactment No. RES-11-00975, File ID No. 20595, adopted December 14, 2010 by the Common Council of the City of Madison; and

WHEREAS, the Agreement was memorialized by an Affidavit of Recording, recorded on January 28, 2011 with the Dane County Register of Deeds as Document No. 4741117; and

WHEREAS, the Owner did not adhere to the terms and conditions outlined within the Agreement and has requested that his property remain in the Town of Burke; and

WHEREAS, Resolution Enactment No. RES-15-00852, File ID No. 40180, adopted November 3, 2015 by the Common Council of the City of Madison authorized the termination of the Agreement, a copy of which is attached herein; and

WHEREAS, the City and the Owner desire to memorialize the termination of the Agreement in the public record by the recording of this document.

NOW, THEREFORE, the City and the Owner declare that the Attachment Agreement pertaining to the property legally described on attached Exhibit A is hereby terminated effective as of the date this Termination of Attachment Agreement is recorded with the Dane County Register of Deeds.



8 9 6 0 5 4 2  
Tx:8737762

**KRISTI CHLEBOWSKI**  
**DANE COUNTY**  
**REGISTER OF DEEDS**

**DOCUMENT #**  
**5212986**

**02/03/2016 1:47 PM**

**Trans. Fee:**

**Exempt #:**

**Rec. Fee: 30.00**

**Pages: 6**

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RETURN TO: City of Madison  
EDD – Office of Real Estate Services  
P.O. Box 2983  
Madison, WI 53701-2983

Tax Parcel No.: 014/0810-342-8390-3

IN WITNESS WHEREOF, the City and the Owner have entered into this Termination Agreement as of the date set forth above.

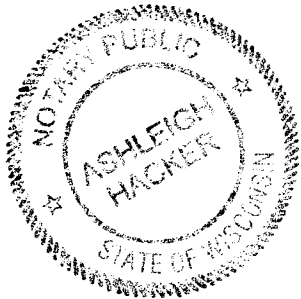
CITY OF MADISON,  
a Wisconsin municipal corporation

By: *Paul R. Soglin*  
Paul R. Soglin, Mayor

By: *Maribeth Witzel- Behl*  
Maribeth Witzel-Behl, City Clerk

State of Wisconsin )  
  ) ss.  
County of Dane )

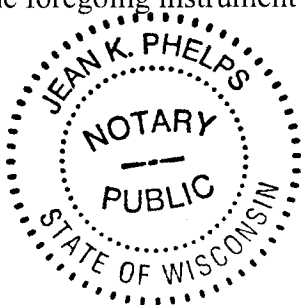
Personally came before me this 23<sup>rd</sup> day of December, 2015, the above-named Paul R. Soglin, Mayor of the City of Madison, acting in said capacity and known by me to be the person who executed the foregoing instrument and acknowledged the same.



*Ashleigh Hacker*  
Notary Public, State of Wisconsin  
Ashleigh Hacker  
(print or type name)  
Commission Expires: 5/18/19

State of Wisconsin )  
  ) ss.  
County of Dane )

Personally came before me this 21<sup>st</sup> day of December, 2015, the above-named Maribeth Witzel-Behl, City Clerk of the City of Madison, acting in said capacity and known by me to be the person who executed the foregoing instrument and acknowledged the same.



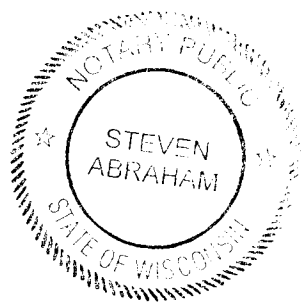
*Jean K. Phelps*  
Notary Public, State of Wisconsin  
Jean K. Phelps  
(print or type name)  
Commission Expires: 6/02/2018

**JOSEPH A. SCHUTZ**

By: *Joseph A. Schutz*

State of Wisconsin )  
  ) ss.  
County of Dane        )

Personally came before me this 6<sup>TH</sup> day of JAN <sup>2016</sup> ~~2015~~, the above-named Joseph A. Schutz, known to me to be the person who executed the above and foregoing instrument and acknowledged the same.



*Steven Abraham*  
Notary Public, State of Wisconsin

STEVEN ABRAHAM  
(print or type name)  
Commission Expires: APRIL 01, 2018

Execution of this Termination Agreement is authorized by Resolution Enactment No. RES-15-00852, File ID No. 40180, adopted by the Common Council of the City of Madison on November 3, 2015.

Drafted by the City of Madison Office of Real Estate Services RE Project No. 9555



Legislation Details (With Text)

**File #:** 40180      **Version:** 1      **Name:** Termination of an Attachment Agreement for the Town of Burke - 4963 Bultman Road

**Type:** Resolution      **Status:** Passed

**File created:** 9/23/2015      **In control:** BOARD OF PUBLIC WORKS

**On agenda:** 11/3/2015      **Final action:** 11/3/2015

**Enactment date:** 11/5/2015      **Enactment #:** RES-15-00852

**Title:** Authorizing the termination of an attachment agreement for the Town of Burke property located at 4963 Bultman Road.

**Sponsors:** Paul R. Soglin

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
11/3/2015	1	COMMON COUNCIL	Adopt	Pass
10/21/2015	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	
10/19/2015	1	PLAN COMMISSION	Return to Lead with the Recommendation for Approval	Pass
10/6/2015	1	BOARD OF PUBLIC WORKS	Referred	
10/6/2015	1	COMMON COUNCIL	Refer	Pass
9/23/2015	1	Attorney's Office	Referred for Introduction	

No appropriation is required to enter into this agreement. The property owner has reimbursed the City for staff time and costs in preparing the original delayed attachment agreement and ordinance, and processing the request to cancel the delayed attachment.

Authorizing the termination of an attachment agreement for the Town of Burke property located at 4963 Bultman Road.

WHEREAS, on January 24, 2011, based upon the authorization granted in RES-10-00975 (Legistar File ID No. 20595) and pursuant to Sections 8.C.1. and 12.C of the Town of Burke, Village of DeForest, City of Sun Prairie and City of Madison Cooperative Plan, the City of Madison entered into an attachment agreement with Joseph A. Schutz, the owner of the Town of Burke property located at 4963 Bultman Road, under which Mr. Schutz was entitled to connect the property to City sanitary sewer services, with his property automatically attaching to the City on January 4, 2016; and,

WHEREAS, Mr. Schutz never connected his property to the City's sanitary sewer services and now wishes to remain in the Town of Burke and not connect to the City's sanitary sewer; and,

WHEREAS, City Engineering and Public Health staff have determined that the termination of the attachment agreement and repeal of the delayed attachment would not be contrary to the public's interests as Mr. Schutz has provided proof that the onsite well and septic systems are in good working condition and can be expected to last ten years or more, and further Mr. Schutz has agreed to reimburse City staff for its time and resources in preparing the original delayed attachment agreement and ordinance, as well as the repeal of those actions.

NOW THEREFORE BE IT RESOLVED the Mayor and City Clerk are hereby authorized to sign an agreement

terminating the Attachment Agreement entered into between the City and Joseph Schutz on Jan. 24, 2011, on a form that is approved by the City Attorney.

Note: This resolution is a companion to Ordinance Legistar ID# 40252, repealing Section 15.01(577) of the Madison General Ordinances to terminate the delayed attachment for the property located at 4963 Bultman Road, Town of Burke.

**EXHIBIT A**  
The Property

Part of the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 34, Township 8 North, Range 10 East, Town of Burke, Dane County, Wisconsin, described as follows:

Commencing at the North  $\frac{1}{4}$  Corner of said Section 34; Thence S00° 15'57"W, 1057.40 feet along the East line of said Northwest  $\frac{1}{4}$  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  $\frac{1}{4}$ ; 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.