

**PLANNING DIVISION REPORT
DEPARTMENT OF PLANNING AND COMMUNITY
AND ECONOMIC DEVELOPMENT
Of February 6, 2008**

RE: I.D. # 08827 – 08854, Direct Annexation of Property from the Town of Westport to the City of Madison

1. Requested Action: Approval of Petition #08854 and Ordinance #08827, annexing a property owned by Cherokee Park, Inc. from the Town of Westport to the City of Madison.
2. Applicable Regulations: Section 66.021 of the Wisconsin Statutes outlines the process for annexation of land to municipalities in the State of Wisconsin.
3. Report Prepared By: Timothy M. Parks, Planner

GENERAL INFORMATION:

1. Applicants/ Petitioners: Dennis Tiziani, President; Cherokee Park, Inc.; 13 Cherokee Circle, Madison.

Status of Applicants: Property owner. There are no electors on the property.

2. Development Schedule: The petitioner envisions submitting applications for City zoning and subdivision approval in March 2008 following the annexation of the subject site into the City. Construction of a single-family subdivision on a portion of the site will commence this summer.
3. Parcel Location: The annexation petition encompasses 45.2 acres generally located approximately a mile north of Wheeler Road on the west side of N. Sherman Avenue. The land is adjacent to Aldermanic District 18 and is located in the Waunakee School District.
4. Adopted Land Use Plan: The Cherokee Special Area Plan identifies the annexation area as part of the "Fifth Addition" planning sub-area with future low-density residential uses up to eight dwelling units per acre and park, open space and stormwater management uses envisioned.

PUBLIC UTILITIES AND SERVICES:

The subject property is not served at this time by either public sewer or public water. City services will be provided as part of any future development of this property, which is located in the Central Urban Service Area. The property will receive other customary City services upon annexation.

ANALYSIS, EVALUATION AND CONCLUSION

The property owner, Cherokee Park, Inc., is requesting direct annexation of a 45.2-acre parcel to the City of Madison from the Town of Westport. The property is located on the west side of N. Sherman Avenue approximately a mile north of Wheeler Road and is bordered to the north by the City-owned Cherokee Marsh conservation park and to the south by Cherokee Country Club. The subject site abuts a 7.3-acre parcel at the northernmost end of Burning Wood Way that was annexed last year by the same petitioner and was subsequently approved for the development of three duplexes in PUD zoning and the sale of a 3.3 acre piece of property to the City for conservation land. Land to the east of the annexation area across N. Sherman Avenue is currently undeveloped in the Town of Burke.

The subject property comprises most of the "Fifth Addition" planning sub-area identified in the 2007 Cherokee Special Area Plan. Approximately half of the annexation area is identified in the plan for park, open space and stormwater management uses, including an area along the northern edge of the parcel that will be purchased by the City of Madison following the annexation and approval of a subdivision of the property. The remainder of the annexation parcel is largely identified for low-density residential uses up to eight units per acre with the exception of a narrow strip of land along the southern edge of the Fifth Addition planning sub-area, which is identified for stormwater management. The petitioner envisions subdivision of the area identified for low-density residential uses into approximately 50 single-family lots. Applications for City zoning and subdivision approval are anticipated to follow the annexation, with construction to begin as early as this summer.

The parcel will be zoned Temporary Agriculture upon annexation into the City. The annexation is in keeping with the annexation agreement entered into between the City and Cherokee Park Inc. as part of the development of the Cherokee Special Area Plan.

RECOMMENDATION

The Planning Division recommends that the Plan Commission forward this annexation petition and ordinance to the Common Council with a favorable recommendation.



WISCONSIN DEPARTMENT OF
ADMINISTRATION

JIM DOYLE
GOVERNOR

MICHAEL MORGAN
SECRETARY

Division of Intergovernmental Relations
Municipal Boundary Review
101 E Wilson Street, 10th Floor
Madison, WI 53702-0001
(608) 264-6102, Fax (608) 267-6917
<http://www.doa.wi.gov/>

Copy: Planning

January 30, 2008

DOA PETITION FILE NO. 13212

MARIBETH WIIZEL-BEHL, CLERK
CITY OF MADISON
210 MARTIN LUTHER KING JR BLVD
MADISON, WI 53703

THOMAS G. WILSON, CLERK
TOWN OF WESTPORT
5387 MARY LAKE RD
WAUNAKEE, WI 53597

Subject: CHEROKEE PARK INC ANNEXATION

The proposed annexation submitted to our office on January 10, 2008, has been reviewed and found to be in the public interest

The subject petition is for territory that is reasonably shaped and contiguous to the City of MADISON. This annexation is in accordance with an agreement between the City and Cherokee Park, Inc., and the City can immediately provide municipal utilities to the proposed annexation.

The Department reminds clerks of annexing municipalities of the requirements of s 66.0217 (9)(a), Wis Stats., which states:

"The clerk of a city or village which has annexed shall file immediately with the secretary of state a certified copy of the ordinance, certificate and plat, and shall send one copy to each company that provides any utility service in the area that is annexed. The clerk shall record the ordinance with the register of deeds and file a signed copy of the ordinance with the clerk of any affected school district "

State and federal aids based on population and equalized value may be significantly affected through failure to file with the Secretary of State. Please file a copy of your annexing ordinance, including a statement certifying the population of the annexed territory. **Please also include the MBR number with your ordinance as this assists with record keeping. Your MBR number is: 13212**

The address of the Office of the Secretary of State is:

Annexations and Railroads
Division of Government Records
Office of the Secretary of State
P.O. Box 7848
Madison, WI 53707-7848

Please call me at (608) 266-0683, should you have any questions concerning this annexation review letter. I am enclosing a copy of Act 317, as this legislation may affect the passage of any annexation ordinance.

Sincerely,

George Hall
Municipal Boundary Review

Cc: Attorney William F. White