

Dear Sirs,

In response to the attachment petition filed for the Boehm property at 5422 Portage Road, Town of Burke date August 25, 2014 and received in the Office of the City Clerk on August 26, please be advised that the City of Madison cannot accept your client's petition at this time. The petition submitted is not valid and contains errors that must be corrected before the City could consider the attachment of the property. Please note the following:

1. The petition does not firmly request an intermediate attachment as provided for under the City's Cooperative Plan with the Town of Burke, Village of DeForest and City of Sun Prairie. The proposed contingency included in the submitted petition to delay the effective date of the attachment until after the petitioner and a third party complete a real estate transaction related to a land use entitlement that will be sought by the third party is not allowed under the terms of the Cooperative Plan. Attachments with delayed effective dates are only permitted when a property owner is requesting to connect to Madison water or sewer service as provided in Section 12C of the Cooperative Plan. Further, the City's acceptance of the petition with the contingency language could be misconstrued as support for the third party's development proposal, which will be considered through a separate and unrelated land use entitlement process from the attachment process. A petition that does not include the contingency shall be submitted either by the current owner or the new owner following the closing of the sale.
2. The legal description needs revision: Courses 2 and 3 shall be revised as they do not follow the easterly right of way of Portage Road. The calls of those two courses shall be revised to be: "along the corporate boundary of the City of Madison being 40 feet east of the centerline of Portage Road."
3. The entire exception paragraph at the end of the legal description is incorrect and shall be removed in its entirety (see the first and third attachments for additional information).
4. The area shown for description is correct upon the changes to the legal description above.
5. On the map exhibit, correct "Diloretto Drive" to "Di Loreto Avenue" (see the second attachment).
6. On the map exhibit, in the bottom right corner parcel number 251/0810-211-0099-6 shall be removed, as it is already in the City of Madison.

In order for the City to accept a petition to attach the subject property, a petition that addresses the above comments shall be re-filed with the City of Madison and Town of Burke clerks. It is strongly recommended that you submit your revised attachment materials to the City staff copied on this message for review prior to re-filing.

If you have any questions about this message, please let me know.

Regards,
TIM



Timothy M. Parks
Planner
Department of Planning & Community & Economic
Development
Planning Division
Madison Municipal Building, Suite LL-100
215 Martin Luther King, Jr. Blvd.
Madison, Wisconsin 53701-2985
tparks@cityofmadison.com
T: 608.261.9632