



Department of Planning & Community & Economic Development

Planning Division

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TO: Common Council
Plan Commission

FROM: Timothy M. Parks, Planner

DATE: October 13, 2016

SUBJECT: ID [44621](#) – Request submitted by Norman and Peggy Anderson to detach 29,497 square-foot parcel from the City of Madison to the Village of McFarland

On August 25, 2016, a petition was filed in the Office of the City Clerk to detach an approximately 29,497 square-foot (0.68-acre) parcel owned by Norman C. and Peggy A. Anderson located at 5325 Marsh Road from the City of Madison to the Village of McFarland as allowed under Section 66.0227 of Wisconsin Statutes. The property is developed with a two-story, 2,100 square-foot single-family residence and attached garage and is zoned SR-C1 (Suburban Residential–Consistent 1 District).

The Anderson property is one of two parcels specifically excluded from the attachment provisions included in the 1997 Intermunicipal Cooperation Agreement between the City of Madison and Village of McFarland. The agreement was entered into between the two municipalities in an effort to correct an irregular corporate boundary and to facilitate construction of a new elementary school in the McFarland School District on two parcels that were in the City at the time. The agreement also included seven single-family home parcels located west of the proposed school site along the east side of Marsh Road in the City, including the subject property. The agreement noted that the properties along Marsh Road already received some municipal services from McFarland, including public water. The final agreement has an effective term of 20 years, and included various provisions regarding revenue sharing for detached properties, water system interconnectedness, road maintenance and widening, and extraterritorial subdivision approval limits.

Five of the seven parcels along the March Road frontage subject to the intergovernmental agreement consented to detachment from the City and annexation to McFarland pursuant to the terms of the agreement and predicated on construction of the school. The five parcels were detached soon after one the triggers in the agreement were met. However, 5313 and 5325 Marsh Road did not consent to the detachment, and were left as City islands subject to limited municipal services by the Village as outlined in the agreement. The agreement, however, does allow for them to petition to detach from Madison at any time during the term as allowed by Wis. Stats. Section 66.022[7].

Approval of the detachment must be adopted by the favorable vote of three-fourths of the Common Council. If approved by the City, the Village has 60 days from adoption to adopt an ordinance annexing the detached parcel.

The Planning Division, City Attorney's Office, and City Engineering Division have reviewed the form of the proposed detachment and found it to be acceptable. Staff takes no position on the request to detach this parcel from the City. However, it should be noted that if the detachment is approved by Madison and McFarland that this will be the last year that the City will be paid local property taxes for the Anderson property. Unlike with annexations, where the city or village annexing a parcel is required to pay annually to the respective town for the five years following annexation an amount equal to the amount of property taxes that the town levied on the annexed territory, there is no revenue sharing component with detachments. If revenue sharing is desired, another agreement between the City of Madison and Village of McFarland would be required prior to the detachment proceeding.

cc: Doran Viste, City Attorney's Office
Pauline Boness, Village of McFarland