

Robert C. Procter (608) 283-6762 rprocter@axley.com

February 5, 2018

City of Madison Clerk 210 Martin Luther King, Jr. Blvd., Room 103 Madison, WI 53703

RE:

Petition for Attachment

Our file: 22179.77981

Ladies and Gentlemen:

Enclosed for filing is the Petition for Attachment by Unanimous Consent for the property shown on the attached exhibits. A copy has been sent via U.S. mail and email to the Town of Middleton.

Sincerely,

AXLEY BRYNELSON, LLP

Robert C. Procter

RCP:mma Enclosure

cc:

Mr. David Shaw, Town of Middleton, via email and U.S. mail

Mr. Tim Parks, City of Madison, via email

Mr. Chad Wuebben, via email

Ms. Cari Fuss, via email



## PETITION FOR ATTACHMENT BY UNANIMOUS CONSENT

(Section 66.0307, Wis. Stats.)

TO:

CLERK, CITY OF MADISON 210 MARTIN LUTHER KING JR. **BLVD, RM 103** 

MADISON, WI 53703

CLERK, TOWN OF MIDDLETON 755 W. OLD SAUK ROAD VERONA, WI 53593-9700

Pursuant to Section 12.01 of the September 29, 2003 Final City of Madison and Town of Middleton Agreement, the undersigned, constituting all of the owners of the real property located within the Territory described below, do hereby unanimously petition the Common Council of the City of Madison, a municipal corporation located in Dane County, Wisconsin, to attach the Territory from the Town of Middleton to the City of Madison. There are no dwellings, no electors, and zero population in the Territory.

The Territory is legally described on Exhibit A.

The Territory is shown on Exhibit B.

The undersigned requests that the attachment be approved and take effect in the manner provided for by law.

Jackie L. Luyet 2/1/2018 Francois Luyet 72/1/2018

## **EXHIBIT A**

## **Area of Attachment Legal Description**

Part of Lot 2 of Certified Survey Map No. 6407 (CSM 6407) recorded on May 21, 1991 in Volume 31 of Certified Survey Maps on Pages 120-122 as Document no. 2263459, being a part of the Northwest Quarter of the Northwest Quarter of Section 21, Town 7 North, Range 8 East, located in the Town of Middleton, Dane County, Wisconsin, described as:

The residual portion of Lot 2 of Certified Survey Map no. 6407 remaining in the Town of Middleton, excluding the North 33 feet previously attached to the City of Madison, per Ordinance no. 13710, File ID No. 36699, adopted September 21, 2004 and as recorded in Document no. 4014384, more particularly described as follows:

Commencing at the Northwest corner of aforesaid Section 21; thence along the North line of the Northwest Quarter of said Section 21 South 89 degrees 58 minutes 39 seconds East, 433.88 feet to the Northwest corner of aforesaid Lot 2 of CSM 6407; thence along the West line of said Lot 2 South 01 degrees 47 minutes 37 seconds West, 33.02 feet to the southerly Right-of-Way line of Old Sauk Road also being the Point of Beginning;

thence along said southerly Right-of-Way line South 89 degrees 58 minutes 39 seconds East, 444.95 feet to the East line of aforesaid Lot 2 of CSM 6407; thence along said East line of Lot 2 South 01 degrees 47 minutes 23 seconds West, 1,490.07 feet to the South line of said Lot 2; thence along said South Line of Lot 2 North 89 degrees 58 minutes 09 seconds West, 445.05 feet to the aforesaid West line of Lot 2; thence along said West line of Lot 2 North 01 degrees 47 minutes 37 seconds East, 1,490.01 feet back to the Point of Beginning.

Above described Attachment Area contains 662,754 square feet or 15.21 acres or 0.0238 square miles more or less

## **EXHIBIT B** ATTACHMENT MAP PART OF LOT 2 OF CERTIFIED SURVEY MAP NO. 6407, RECORDED MAY 21, 1991 IN VOLUME 31 ON PAGES 120-122 OF CERTIFIED SURVEY MAPS AS DOCUMENT NO. 2263459, BEING A PART OF THE NW-1/4 OF THE NW-1/4 AND THE SW-1/4 OF THE NW-1/4 OF SECTION 21, TOWN 7 NORTH, RANGE 8 EAST, TOWN OF MIDDLETON, DANE COUNTY, WISCONSIN. LOT 1 SW-SW SM 960 CSM 3977 TOWN OF MIDDLETON SM 3977 SU 5608 CSM 960 2647.98' MON. TO MON. 2214,10' TO NW CORNER LOT 2 58' 39" E OLD SAUK ROAD 1769.15 433.88 NORTH 33' OF LOT 2 PREV OF MADISON S 89° 58′ 39" E (433.84) CSM 6407 444.95 NW CORNER NE-NE NW--NW (N 89° 38' 09" E 445 00') CSM 6407 CITY OF MADISON P.O.B SECTION 21-T7N-R8E NORTH 1/2 CORNER SECTION 21-T7N-R8E FOUND 1-1/4" REBAR SECTION 20 SECTION 21 N: 482,873.23 ( 482,873.27 ) E: 773,840.39 (773,840.41) PER TOWN OF MIDDLETON REMONUMENTATION MAP PEACH! EAF L PROPOSED AREA OF ATTACHMENT; THE RESIDUAL PORTION OF LOT 2 OF CERTIFIED SURVEY MAP NO. 6407 REMAINING IN THE TOWN OF MIDDLETON EXCLUDING THE NORTH 33' PREVIOUSLY ATTACHED TO THE CITY OF SEE NOTE 2 \* BRASS CAP MONUMENT LOCATION RECOVERED FROM TIES LÓT 2 490 ROAD LOT 2 MADISON, PER ORDINANCE NO. CSM 9672 13710 ADOPTED SEPTEMBER 21, STONE CSM 6407 2004 AND AS RECORDED IN CITY OF MADISON DOCUMENT NO. 4014384. $\bar{\circ}$ (501° 24' 07" W) CSM 6407 (501° 47' 23" W) THE WILLOWS SEE ATTACHED METES AND TOWN OF MIDDLETON BOUNDS LEGAL DESCRIPTION FOR THE WILLD MORE PARTICULAR DESCRIPTION Jan 24, 2018 - 3:59pm MIDDLETON SCHE\ OF SAID LANDS. 23" W) MIDDL (501° 47' 5 LOT 1 MADISON ССМ <u>96.42</u> TOWN OF I SILVER-WAY 9 PŘOPOSÉD ARÉA OF ATTACHMENT 9 662,754 SQ. FT. **OR 15.21 ACRES** ATTACHMENT MAP OR 0.0238 SQ. MI. ਹ TOWN OF MIDDLETON WHITE -FOX SCHEWE--ROAD CITY OF MADISON NW-WW exhibit.dwg 0684 767 -NE WHITE SE -FOX-LANE ( \$ 89° 58' 35" E ) THE WILLOWS II LEGEND (589°38'09" W 445.00') CSM 6407 Old Sauk RD\045\170455\_Encore Old Sauk ನ SECTION 21 N 89° 58' 09" W 445.05' THE WILLOWS SECTION/QUARTER LINE 56 SECTION MUNICIPAL BOUNDARY CITY OF MADISON WILLOWS II CRNT LQ7 LOI 58 RIGHT-OF-WAY LINE CENTERLINE EXISTING PARCEL LINE DRAGON WILLOW NOTES: 1. NORTH REFERENCE FOR THIS EXHIBIT IS BASED ON THE WISCONSIN COORDINATE REFERENCE SYSTEM, NAD 83 (2011) WISCRS DANE, GRID NORTH. THE NORTH LINE OF THE NORTHWEST LINE TABLE OUARTER OF SECTION 21-T7N-R8E, BEARS S 89° 58' 39" E. DISTANCE LINE # BEARING 2. THE NORTH QUARTER CORNER OF SECTION 21 WAS LOCATED INSIDE OF AN IMPREGNABLE CAST He: N:\2017\170455\_Encore S 1° 47' 37" W 33.02 L-1 IRON MONUMENT BOX IN THE EAST BOUND DRIVE LANE OF OLD SAUK ROAD. LOCATION OF SAID S 1° 24' 07" W NOT GIVEN CORNER WAS BASED ON THE 4 TIES FOUND PER PLSS MOUNUMENT RECORD AS FILED BY BOB O'NEIL DATED 12/16/08. INACCESSIBLE MONUMENT IS ASSUMED TO STILL EXIST.

SURVEYED BY:

APPROVED BY:

DRAWN BY:

IWS

IWS

IWS

NORTH

170455

loll

PROJECT NO.

SHEET NO.

PREPARED BY

**WYSER** 

312 EAST MAIN STREET

MOUNT HOREB, WI 53572

www.wyserengineoring.com

PREPARED FOR:

ENCORE HOMES, INC.

6840 SCHNEIDER ROAD MIDDLETON, W(53562