



Legislation Details (With Text)

**File #:** 02534      **Version:** 1      **Name:** MAYOR BIZ Emerick Oaks attachment (Town of Middleton)  
**Type:** Ordinance      **Status:** Passed  
**File created:** 12/2/2005      **In control:** COMMON COUNCIL  
**On agenda:** 12/13/2005      **Final action:** 12/13/2005  
**Enactment date:** 1/3/2006      **Enactment #:** ORD-05-00200

**Title:** Creating Section 15.01(552) of the Madison General Ordinances entitled "City Boundaries" and being part of the chapter entitled "Aldermanic Districts and Wards" attaching to 9th Aldermanic District the Emerick Oaks Attachment, and amending Section 15.02(110) of the Madison General Ordinances to add the attached property to Ward 110.

**Sponsors:** David J. Cieslewicz

**Indexes:**

**Code sections:**

**Attachments:** 1. emerick map.pdf, 2. letter to town of middleton.pdf, 3. 02534 registration statements.pdf, 4. 02534 Emerick Oaks public hearing notices.pdf, 5. Register of Deeds Recording.pdf, 6. 02534 Certified Mail Receipt.pdf

Date	Ver.	Action By	Action	Result
12/13/2005	1	COMMON COUNCIL	Adopt	Pass
12/7/2005	1	Finance Dept/Approval Group	Approved Fiscal Note By The Comptroller's Office	
12/7/2005	1	Attorney's Office	RECOMMEND TO COUNCIL TO ADOPT UNDER SUSPENSION OF RULES 2.04, 2.05, 2.24, & 2.25 - MISC. ITEMS	
12/2/2005	1	Attorney's Office/Approval Group	Approved As To Form	
12/2/2005	1	Attorney's Office	Fiscal Note Required / Approval	

**Fiscal Note**

This attachment will have no significant fiscal impact. The existing cooperative boundary agreement between the Town of Middleton and the City of Madison exempts this residential property attachment from the municipal revenue sharing payments that would otherwise be required under current law.

**Title**

Creating Section 15.01(552) of the Madison General Ordinances entitled "City Boundaries" and being part of the chapter entitled "Aldermanic Districts and Wards" attaching to 9th Aldermanic District the Emerick Oaks Attachment, and amending Section 15.02(110) of the Madison General Ordinances to add the attached property to Ward 110.

**Body**

DRAFTER'S ANALYSIS: This ordinance annexes land in the Town of Middleton pursuant to the procedure in the City of Madison/Town of Middleton Cooperative Plan.

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An ordinance to create Subsection (552) of Section 15.01 of the General Ordinances of the City of Madison entitled "City Boundaries" and being part of the chapter entitled "Aldermanic Districts and Wards".

WHEREAS, a petition for attachment with scale map attached was filed with the City Clerk of Madison on October 13, 2005 and has been presented to the Madison Common Council requesting attachment of the below-described territory to the City of Madison from the Town of Middleton; said petition having been signed by the owners of all of the land in the territory and notice of the proposed attachment having been given to the Town of Middleton; and

WHEREAS, investigation by the City of Madison discloses that as of this date the above representations are true, the Common Council now accepts the petition as sufficient and determines that the said attachment proceeding meets the requirements of the City of Madison and Town of Middleton Cooperative Plan approved pursuant to Section 66.0307, Wisconsin Statutes;

NOW, THEREFORE, the Common Council of the City of Madison do ordain as follows:

1. Subsection (552) of Section 15.01 of the Madison General Ordinances is hereby created to read as follows:

"15.01(552) - There is hereby attached to the 9th Aldermanic District, the City of Madison, Dane County, Wisconsin, the following described property:

Part of Lot 2, Certified Survey Map Number 4321, as recorded in Volume 18 of Certified Survey Maps, on Pages 228-230, as Document Number 1825718, Dane County Registry, also located in the SE ¼ of the SW ¼ of Section 16, T07N, R08E, Town of Middleton, Dane County, Wisconsin, more fully described as follows:

Commencing at the Southwest corner of Lot 1 of said Certified Survey Map Number 4321, said point also lying on the Northerly right-of-way line of Old Sauk Road; thence N00°05'43"E along the Westerly line of said Lot 1 and its Northerly extension thereof, 458.07 feet to the point of intersection of said Westerly line of Lot 1, and the Northwesterly extension of the North line of Lot 2 of said Certified Survey Map Number 4321; thence S79°07'48"E along said North line of Lot 2 and its Northwesterly extension thereof, 440.70 feet to the point of beginning; thence S02°37'37"W, 372.64 feet to the South line of said Lot 2, Certified Survey Map No. 4321, and to the Northerly right-of-way line of aforementioned Old Sauk Road; thence N89°37'38"E along said South line of Lot 2 and the Northerly right-of-way line of Old Sauk Road, 295.07 feet to the Southeast corner of said Lot 2; thence N00°22'46"W along the East line of said Lot 2, 232.13 feet to the Northeast corner of said Lot 2; thence N62°02'29"W along the Northerly line of said Lot 2, 284.46 feet; thence N79°07'48"W along the Northerly line of said Lot 2, 25.65 feet to the point of beginning. Said description contains 87,954 square feet, or 2.0191 acres."

2. Subsection (110) of Section 15.02 entitled "Wards and Ward Boundaries" of the Madison General Ordinances is created to read as follows:

"(110) Ward 110. Beginning at the South quarter corner of said Section 16, T7N, R8E, Town of Middleton, Dane County, Wisconsin; thence Southerly, 33 feet along the East line of the NW ¼ of said Section 21 and said corporate limits thence Westerly, 823.75 feet, more or less along the southerly right-of-way of said Old Sauk Road, parallel with and 33 feet south the North line of the said NW ¼ of Section 21, to the intersection with the East line of Certified Survey Map No. 1213; thence Southerly, 27 feet along said East line of Certified Survey Map No. 1213; thence Westerly, 330.14 feet along the said Southerly right-of-way of Old Sauk Road and the North lines of Lots 1 and 2 of said Certified Survey Map No. 1213; thence Northerly 27 feet along the West line of said Certified Survey Map No. 1213; thence continuing Westerly, 167 feet, more or less, along the said southerly right-of-way of Old Sauk Road to the intersection with the West line of the said NE ¼ of the NW ¼ of Section 21; thence continuing Westerly along the said southerly right-of-way of Old Sauk Road, 207.64 feet; thence continuing Westerly S89°37'47"W, 683.46 feet along said South right-of-way line of Old Sauk Road as shown on Certified Survey Map No. 6407, said South right-of-way line, being 33 feet South of and parallel with the North line of the Northwest ¼ of Section 21; thence S01°24'24" W, 1119.11 feet along the East line of Certified Survey Map No. 9672; thence S89° 39'30"W, 431.57 feet along the South line of Lot 2 to the Southwest corner of Lot 2 Certified Survey Map No. 9672; thence N01°17'21"E, 502.66 feet along the West line of Lot 2, Certified Survey Map No. 9672; thence S89°13'15"W, 546.21 feet along the South line of the Westerly portion of Lot 2 of Certified Survey Map No. 9672 to the West right-of-way line of Schewe Road to the North right-of-way line of Old Sauk Road, said line being 33 feet North of and parallel with the South line of the Southwest ¼ of Section 17, as shown on Certified Survey Map No. 517; thence N89° 16'30"E, 358.08 feet; thence N00°38'45"W, 7.00 feet along said North right-of-way line on the line between Certified Survey Map No. 3977 & Certified Survey Map No. 517; thence continuing N89°16'30"E, 190.03 feet along said North right-of-way line, being 40 feet North of and parallel with the South line of the Southeast ¼ of Section 17 as shown on Certified Survey Map No. 3977; thence N89°37'47"E, 645.66 feet along said North right-of-way line, being 40 feet North of and parallel with the South line of the Southwest ¼ of said Section 16; thence S00°08'52"E, 7.00 feet continuing along the North right-of-way line on the East line of Certified Survey Map No. 6608; thence N89°37'47"E, 457.19 feet along the North right-of-way line of Old Sauk Road, said line being 33 feet North of and parallel with the South line of the Southwest ¼ of Section 16; thence N22°31'00"W, 221.40 feet; thence N66°19'52"W, 86.13 feet; thence N10°20'37"W, 208.92 feet; thence N81°06'19"W, 132.54 feet; thence S83°25'40"W, 127.73 feet; thence S00°15'11"W, 55.00 feet; thence S90°00'00"W, 226.11 feet; thence N00°16'46"E, 112.59 feet; thence S89°59'15"W, 341.45 feet; thence N00°14'20"E, 10.00 feet; thence

S89°59'15"W, 88.00 feet; thence N00°14'20"E, 810.17 feet; thence N89°54'22"E, 1,324.19 feet; thence N°8932'25"E, 1324.16 feet; thence S00°06'23"E, 1332.53 feet to the point of beginning. ~~cept the following: Beginning Commencing~~ at the South quarter corner of said Section 16, T7N, R8E, Town of Middleton, Dane County, Wisconsin; thence S89°38'04"W, along the South line of said SW 1/4, 594.42 feet; thence Northerly, 40 feet along the East line extended of Lot 2, Certified Survey Map No. 4321 to the Southeast corner of said Lot 2, Certified Survey Map No. 4321 ~~and the point of beginning~~; thence N00°22'20 46"W, along the East line of said Certified Map No. 4321, ~~272~~ 232.13 feet; thence N62°02'03 29"W, along the North line of said Certified Survey Map No. 4321, 284.46 feet; ~~thence N 79°07'48"W 25.65 feet to the point of beginning~~; thence N79°07'22 48"W, along said North line and North line extended; ~~465.87~~ 440.70 feet ~~more or less~~; thence ~~S00°06'56 "E S 00°05'43" W, 498.07', 458.07 feet~~ along the West line extended and West line of Certified Survey Map No.4321, ~~464.96 feet to the South line of said SW 1/4 and to the Southwest corner of said Lot 1, Certified Survey Map No. 4321~~; thence East, 190.82 feet along the Northerly right-of-way of said Old Sauk Road, also along the South lines of Lot 1 and Outlot 2 of Certified Survey Map No. 4321; thence Northerly, 20 feet, along the Easterly line of said Outlot 2 to the Southwest corner of Lot 1, Certified Survey Map No. 1280; thence Easterly, 191 feet along the said northerly right-of-way of Old Sauk Road and the South line of said Lot 1, Certified Survey Map No. 1280 to the Southeast corner thereof; thence Southerly, 20 feet along the Westerly lot line of Lot 2, said Certified Survey Map No. 4321; thence East, 34.24' ~~329.43 feet~~ along the said Northerly right-of-way of Old Sauk Road; ~~thence N 02°37'37"E, 372.64' more or less to a point on the North lot line of Lot 2, Certified Survey Map No. 4321; to the Southeast corner of said Lot 2, Certified Survey Map No. 4321~~; and ~~to~~ the point of beginning. Polling place at High Point Church, 7702 Old Sauk Road."

3. If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.