



Legislation Details (With Text)

**File #:** 04096      **Version:** 1      **Name:** Hoepker-Paulson-Yelk annexation (Town of Burke)  
**Type:** Ordinance      **Status:** Passed  
**File created:** 7/5/2006      **In control:** PLAN COMMISSION  
**On agenda:** 8/1/2006      **Final action:** 8/1/2006  
**Enactment date:** 8/22/2006      **Enactment #:** ORD-06-00118

**Title:** Creating Section 15.01(557) of the Madison General Ordinances entitled "City Boundaries" and being part of the chapter entitled "Aldermanic Districts and Wards" annexing to the 17th Aldermanic District the Hoepker-Paulson-Yelk Annexation and assigning a temporary zoning classification of A Agriculture District, creating Section 15.02(138) of the Madison General Ordinances to assign the attached property to Ward 138, and amending Section 15.03(17) to add Ward 138 to the 17th Aldermanic District.

**Sponsors:** David J. Cieslewicz

**Indexes:**

**Code sections:**

**Attachments:** 1. Annex Staff Report.pdf, 2. 04096.pdf, 3. 04096-Hoepker-Paulson-Ylk.pdf, 4. 04096memo.pdf, 5. Register of Deeds recording.pdf, 6. 04096 Certified Mail Receipt.pdf

Date	Ver.	Action By	Action	Result
8/1/2006	1	COMMON COUNCIL	Adopt	Pass
7/24/2006	1	PLAN COMMISSION	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
7/11/2006	1	COMMON COUNCIL	Refer	
7/5/2006	1	Attorney's Office/Approval Group	Approved As To Form	
7/5/2006	1	Attorney's Office	Fiscal Note Required / Approval	
7/5/2006	1	Finance Dept/Approval Group	Fiscal Note Pending	
7/5/2006	1	Attorney's Office	Referred for Introduction	

**Fiscal Note**

[enter Fiscal Note here]

**Title**

Creating Section 15.01(557) of the Madison General Ordinances entitled "City Boundaries" and being part of the chapter entitled "Aldermanic Districts and Wards" annexing to the 17th Aldermanic District the Hoepker-Paulson-Yelk Annexation and assigning a temporary zoning classification of A Agriculture District, creating Section 15.02(138) of the Madison General Ordinances to assign the attached property to Ward 138, and amending Section 15.03(17) to add Ward 138 to the 17th Aldermanic District.

**Body**

DRAFTER'S ANALYSIS: This ordinance annexes land in the Town of Burke.

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An ordinance to create Subsection (557) 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 with scale map attached was filed with the City Clerk of Madison on October 31, 2005, mailed to the Clerk of the Town of Burke on October 31, 2005, and the Municipal Boundary Review Section, Department of Commerce, State of Wisconsin, on November 7, 2005, and has been presented to the City Common Council requesting annexation of the below-described territory to the City of Madison from the Town of Burke; said petition having been signed by the owners of all the real property in the territory and all the electors, there being two (2) residents within the

territory, which lies contiguous to the City of Madison; and

WHEREAS, pursuant to Sec. 28.04(7), Madison General Ordinances, the annexed territory is declared to be in the A Agriculture District and the annexation and temporary zoning were considered by the Plan Commission at its meeting of July 24, 2006, and adoption of the said annexation and zoning were recommended; and

WHEREAS, pursuant to the proposed Cooperative Plan among the Town of Burke, Village of DeForest, City of Sun Prairie, and City of Madison, the City agrees to make five (5) equal annual revenue sharing payments of fifty-thousand dollars (\$50,000) for a total of two hundred fifty thousand dollars (\$250,000), the first installment payable on August 1, 2008; and

WHEREAS, if the above Cooperative Plan is not approved, pursuant to Wis. Stats. sec. 66.0217(14)(a)1., the City of Madison agrees to pay annually to the Town of Burke, for five (5) years, an amount equal to the amount of property taxes that the town levied on the annexed territory, as shown by the tax roll under Wis. Stats. sec. 70.65, in the year in which the annexation is final; and

WHEREAS, investigation by the City of Madison discloses that as of this date the above representations are true, and the determination of the Department of Commerce, Municipal Boundary Review Section, State of Wisconsin, that the below described annexation has been reviewed and found to be in the public interest, having been reviewed, the Common Council now accepts the petition as sufficient and determines that the said annexation proceeding meets the requirements of the Wisconsin Statutes;

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

1. Subsection (557) of Section 15.01 of the Madison General Ordinances is hereby created to read as follows:

"15.01(557) - There is hereby attached to the 17th Aldermanic District, the City of Madison, Dane County, Wisconsin, the following described property:

"The following described lands located in the SE ¼ of Section 9, the SW ¼ of Section 10 and the NE ¼ of Section 16, T8N, R10E, Town of Burke, Dane County, Wisconsin:

Beginning at the Southeast corner of Section 9, thence N00°00'21"E, 296.21 feet along the east line of the SE ¼ of Section 9 to the southeast corner of CSM No. 8211; thence S86°52'22"W, 333.00 feet along the south line of CSM No. 8211 to the southwest corner of said CSM No. 8211; thence N00°00'21"E, 300.00 feet along the west line of CSM No. 8211 to the northwest corner of said CSM No. 8211; thence N86°52'22"E, 333.00 feet along the north line of CSM No. 8211 to the east line of the SE ¼ of Section 9; thence N00°00'22"E, 63.21 feet along said east line of the SE ¼ of Section 9 to the northwest corner of Lot 1, CSM No. 1835, thence N88°21'08"E, 659.64 feet along the north line of Lot 1, CSM No. 1835 to the northeast corner of said Lot 1; thence N00°07'06"E, 329.64 feet along the west line of Lot 2, CSM No. 1835 to the northwest corner of said Lot 2; thence N88°21'30"E, 330.14 feet along the north line of Lot 2, CSM No. 1835 to the northeast corner of said Lot 2; thence N00°10'28"E, 659.20 feet along the west line of Lot 3, CSM No. 1835 to the northwest corner of said Lot 3; thence N88°22'14"E, 330.78 feet along the north line of Lot 3 and Lot 4, CSM No. 1835 to the northeast corner of said Lot 4; thence S00°13'51"W, 1439.09 feet along the east line of Lot 4, CSM No. 1835 to the northwest corner of Lot 1, CSM No. 2224; thence N88°24'11"E, 208.75 feet along the north line of Lot 1, CSM No. 2224 to the northeast corner of said Lot 1; thence S00°17'40"W, 208.75 feet along the east line of Lot 1, CSM No. 2224 to the south line of the SW ¼ of Section 10; thence N88°24'11"E, 293.28 feet along the south line of the SW ¼ of Section 10 to the southwest corner of CSM No. 4004; thence N02°50'20"E, 258.23 feet along the west line of CSM No. 4004 to the northwest corner of Lot 1, CSM No. 4004; thence N73°34'16"E, 143.01 feet along the north line of Lot 1, CSM No. 4004; thence N60°28'13"E, 141.62 feet continuing along said north line of Lot 1, CSM No. 4004, to the northeast corner of said Lot 1; thence S05°54'35"E, 361.43 feet along the east line of CSM No. 4004 to the south line of the SW ¼ of Section 10; thence N88°24'11"E, 504.47 feet along the south line of the SW ¼ of Section 10 to the South Quarter Corner of Section 10; thence N00°40'00"E (recorded as N03°14'29"E), 2636.23 feet along the east line of the SW ¼ of Section 10 to the northeast corner of said SW ¼ of Section 10; thence S88°23'W, 2362.9 feet along the north line of the SW ¼ of Section 10 to the northeast corner of Lot 1, CSM No. 1339; thence S00°00'22"W, 175.00 feet along the east line of Lot 1, CSM No. 1339 to the southeast corner of said Lot 1; thence S88°23'W, 287.3 feet along the south line of Lot 1, CSM No. 1339 to the west line of the SW ¼ of Section 10; thence N00°00'22"E, 10.00 feet along the west line of the SW ¼ of Section 10 to a point lying S00°00'22"W, 165.00 feet from the East Quarter Corner of Section 9; thence S89°39'15"W, 180.00 feet; thence N00°00'21"E, 165.00 feet to the north line of the SE ¼ of Section 9; thence S89°39'15"W, 2437.50 feet along the north line of the SE ¼ of Section 9; thence S00°15'37"W, 1012.49 feet to the easterly right-of-way line of I 90-94-39;

thence N27°05'23"W, 47.88 feet along said easterly right-of-way line to the west line of the SE ¼ of Section 9; thence S00°15'38"W, 391.8 feet to the reference line of I-90-94-39, as established on WisDOT R/W Project No. I-90-2(12)122; thence S27°05'23"E, 1443.6 feet along said reference line of I-90-94-39 to the south line of the SE ¼ of Section 9; thence S89°15'32"W, 228.8 feet along the south line of the SE ¼ of Section 9; thence S27°04'53"E, 49.03 feet to the south right-of-way line of Hoepker Road; thence continuing S27°04'53"E, 437.76 feet along the southwest right-of-way line of I-90-94-39 to the east line of the West ½ of the NW ¼ of the NE ¼ of Section 16; thence N00°53'20"E, 170.57 feet along said east line of the West ½ of the NW ¼ of the NE ¼ and continuing along said southwesterly right-of-way of I-90-94-39; thence S27°04'53"E, 1388.37 feet continuing along said southwesterly right-of-way of I-90-94-39 to a point of curvature; thence continuing along said southwesterly right-of-way of I-90-94-39 and along the arc of a curve to the right with a radius of 7514.11 feet and a long chord of S26°59'16"E, 24.58 feet to the east line of the SW ¼ of the NE ¼ of Section 16; thence N00°53'11"E, 211.8 feet along the east line of the SW ¼ of the NE ¼ of Section 16 to the southwest corner of the NE ¼ of the NE ¼ of Section 16; thence N89°25'25"E, 179.2 feet to the southwest corner of Lot 2, CSM No. 10965; thence N89°25'25"E, 816.64 feet along the south line of Lot 2, CSM No. 10965; thence N00°52'59"E, 66.02 feet; thence N89°25'25"E, 329.89 feet along the south line of Lot 2, CSM No. 10965 to the east line of the NE ¼ of Section 16; thence N00°52'59"E, 808.16 feet along the east line of the NE ¼ of Section 16; thence S89°17'27"W, 798.50 feet along the south line of Lot 1, CSM No. 1598 to the southwest corner of said Lot 1; thence N00°55'40"W, 450.19 feet along the west line of Lot 1, CSM No. 1598 to the north line of the NE ¼ of Section 16; thence N89°15'56"E, 798.16 feet along the north line of the NE ¼ of Section 16 to the point of beginning. Containing 319.0 acres more or less. Subject to all easements of record."

2. Subsection (138) of Section 15.02 entitled "Wards and Ward Boundaries" of the Madison General Ordinances is created to read as follows:

"(138) Ward 138.

Beginning at the Southeast corner of Section 9, thence N00°00'21"E, 296.21 feet along the east line of the SE ¼ of Section 9 to the southeast corner of CSM No. 8211; thence S86°52'22"W, 333.00 feet along the south line of CSM No. 8211 to the southwest corner of said CSM No. 8211; thence N00°00'21"E, 300.00 feet along the west line of CSM No. 8211 to the northwest corner of said CSM No. 8211; thence N86°52'22"E, 333.00 feet along the north line of CSM No. 8211 to the east line of the SE ¼ of Section 9; thence N00°00'22"E, 63.21 feet along said east line of the SE ¼ of Section 9 to the northwest corner of Lot 1, CSM No. 1835, thence N88°21'08"E, 659.64 feet along the north line of Lot 1, CSM No. 1835 to the northeast corner of said Lot 1; thence N00°07'06"E, 329.64 feet along the west line of Lot 2, CSM No. 1835 to the northwest corner of said Lot 2; thence N88°21'30"E, 330.14 feet along the north line of Lot 2, CSM No. 1835 to the northeast corner of said Lot 2; thence N00°10'28"E, 659.20 feet along the west line of Lot 3, CSM No. 1835 to the northwest corner of said Lot 3; thence N88°22'14"E, 330.78 feet along the north line of Lot 3 and Lot 4, CSM No. 1835 to the northeast corner of said Lot 4; thence S00°13'51"W, 1439.09 feet along the east line of Lot 4, CSM No. 1835 to the northwest corner of Lot 1, CSM No. 2224; thence N88°24'11"E, 208.75 feet along the north line of Lot 1, CSM No. 2224 to the northeast corner of said Lot 1; thence S00°17'40"W, 208.75 feet along the east line of Lot 1, CSM No. 2224 to the south line of the SW ¼ of Section 10; thence N88°24'11"E, 293.28 feet along the south line of the SW ¼ of Section 10 to the southwest corner of CSM No. 4004; thence N02°50'20"E, 258.23 feet along the west line of CSM No. 4004 to the northwest corner of Lot 1, CSM No. 4004; thence N73°34'16"E, 143.01 feet along the north line of Lot 1, CSM No. 4004; thence N60°28'13"E, 141.62 feet continuing along said north line of Lot 1, CSM No. 4004, to the northeast corner of said Lot 1; thence S05°54'35"E, 361.43 feet along the east line of CSM No. 4004 to the south line of the SW ¼ of Section 10; thence N88°24'11"E, 504.47 feet along the south line of the SW ¼ of Section 10 to the South Quarter Corner of Section 10; thence N00°40'00"E (recorded as N03°14'29"E), 2636.23 feet along the east line of the SW ¼ of Section 10 to the northeast corner of said SW ¼ of Section 10; thence S88°23'W, 2362.9 feet along the north line of the SW ¼ of Section 10 to the northeast corner of Lot 1, CSM No. 1339; thence S00°00'22"W, 175.00 feet along the east line of Lot 1, CSM No. 1339 to the southeast corner of said Lot 1; thence S88°23'W, 287.3 feet along the south line of Lot 1, CSM No. 1339 to the west line of the SW ¼ of Section 10; thence N00°00'22"E, 10.00 feet along the west line of the SW ¼ of Section 10 to a point lying S00°00'22"W, 165.00 feet from the East Quarter Corner of Section 9; thence S89°39'15"W, 180.00 feet; thence N00°00'21"E, 165.00 feet to the north line of the SE ¼ of Section 9; thence S89°39'15"W, 2437.50 feet along the north line of the SE ¼ of Section 9; thence S00°15'37"W, 1012.49 feet to the easterly right-of-way line of I 90-94-39; thence N27°05'23"W, 47.88 feet along said easterly right-of-way line to the west line of the SE ¼ of Section 9; thence S00°15'38"W, 391.8 feet to the reference line of I-90-94-39, as established on WisDOT R/W Project No. I-90-2(12)122; thence S27°05'23"E, 1443.6 feet along said reference line of I-90-94-39 to the south line of the SE ¼ of Section 9; thence S89°15'32"W, 228.8 feet along the south line of the SE ¼ of Section 9; thence S27°04'53"E, 49.03 feet to the south right-of-way line of Hoepker Road; thence continuing S27°04'53"E, 437.76 feet along the southwest right-of-way line of I-90-94-39 to the east line of the West ½ of the NW ¼ of the NE ¼ of Section 16; thence N00°53'20"E, 170.57 feet along said east line of the West ½ of the NW ¼ of the NE ¼ and continuing along said southwesterly right-of-way of I-90-94-39; thence S27°04'53"E, 1388.37 feet continuing along said southwesterly right-of-way of I-90-94-39 to a point of curvature;

thence continuing along said southwesterly right-of-way of I-90-94-39 and along the arc of a curve to the right with a radius of 7514.11 feet and a long chord of S26°59'16"E, 24.58 feet to the east line of the SW ¼ of the NE ¼ of Section 16; thence N00°53'11"E, 211.8 feet along the east line of the SW ¼ of the NE ¼ of Section 16 to the southwest corner of the NE ¼ of the NE ¼ of Section 16; thence N89°25'25"E, 179.2 feet to the southwest corner of Lot 2, CSM No. 10965; thence N89°25'25"E, 816.64 feet along the south line of Lot 2, CSM No. 10965; thence N00°52'59"E, 66.02 feet; thence N89°25'25"E, 329.89 feet along the south line of Lot 2, CSM No. 10965 to the east line of the NE ¼ of Section 16; thence N00°52'59"E, 808.16 feet along the east line of the NE ¼ of Section 16; thence S89°17'27"W, 798.50 feet along the south line of Lot 1, CSM No. 1598 to the southwest corner of said Lot 1; thence N00°55'40"W, 450.19 feet along the west line of Lot 1, CSM No. 1598 to the north line of the NE ¼ of Section 16; thence N89°15'56"E, 798.16 feet along the north line of the NE ¼ of Section 16 to the point of beginning. Polling place at Sandburg Elementary School, 4114 Donald Dr."

3. Subsection (17) entitled "Seventeenth Aldermanic District" of Section 15.03 entitled "Aldermanic Districts" of the Madison General Ordinances is amended to read as follows:

"(17) Seventeenth Aldermanic District. Wards 15, 16, 17, 18, 19, 20, 21, 108, and 118, and 138."

4. 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.

EDITOR'S NOTE: Pursuant to Sec. 66.0217(8), Wis. Stats., this annexation ordinance must be enacted by a two-thirds vote of the elected members of the Common Council or at least 14 votes. A separate roll call vote is requested on the temporary zoning.

Adopted on roll call at a regular meeting of the Common Council of the City of Madison, Wisconsin, held on

Annexation vote:

Temporary Zoning vote:

Ayes: \_\_\_\_\_  
Noes: \_\_\_\_\_

Ayes: \_\_\_\_\_  
Noes: \_\_\_\_\_