



Legislation Details (With Text)

**File #:** 14850      **Version:** 1      **Name:** Annexation - Wheeler Triangle  
**Type:** Ordinance      **Status:** Passed  
**File created:** 5/20/2009      **In control:** PLAN COMMISSION  
**On agenda:** 7/7/2009      **Final action:** 7/7/2009  
**Enactment date:** 7/24/2009      **Enactment #:** ORD-09-00108

**Title:** Creating Section 15.01(570) of the Madison General Ordinances entitled "City Boundaries" and being part of the chapter entitled "Aldermanic Districts and Wards" annexing to the 18th Aldermanic District the Cherokee Annexation and assigning a temporary zoning classification of A Agriculture District, and creating Section 15.02(146) of the Madison General Ordinances to assign the attached property to Ward 146.

**Sponsors:** David J. Cieslewicz, Michael Schumacher

**Indexes:**

**Code sections:**

**Attachments:** 1. Petition.pdf, 2. Link Annex Petition File #14741, 3. Adopted Map ORD-09-00108.pdf, 4. Annexations - file ID#14850.pdf, 5. ROD Recording Cherokee - Wheeler Triangle.pdf, 6. Secretary of State #14850 certified mail post card.pdf, 7. WCSO Main Office-Town of Westport #14850 certified mail post card.pdf

Date	Ver.	Action By	Action	Result
7/7/2009	1	COMMON COUNCIL	Adopt	Pass
6/15/2009	1	PLAN COMMISSION	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
6/2/2009	1	COMMON COUNCIL	Referred for Public Hearing	
5/20/2009	1	Attorney's Office/Approval Group	Referred for Introduction	

**Fiscal Note**

In accordance with State Statutes, the City will make annual revenue sharing payments to the Town of Westport for a five year period beginning in 2011. The required payments will be equal to the town levy on the annexed territory for the year 2009. The applicable payment is estimated to be \$547 per year and will be accommodated in the General Fund Miscellaneous Appropriations section of future year budgets.

**Title**

Creating Section 15.01(570) of the Madison General Ordinances entitled "City Boundaries" and being part of the chapter entitled "Aldermanic Districts and Wards" annexing to the 18th Aldermanic District the Cherokee Annexation and assigning a temporary zoning classification of A Agriculture District, and creating Section 15.02(146) of the Madison General Ordinances to assign the attached property to Ward 146.

**Body**

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

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An ordinance to create Subsection (570) 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 May 11, 2009, and mailed to the Clerk of the Town of Westport and the Municipal Boundary Review Section, Department of Commerce, State of Wisconsin, 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 Westport; said petition having been signed by the owners of all the real property within the territory, which lies contiguous to the City of Madison and has no residents; and

WHEREAS, the Cherokee Special Area Plan recommends low density residential uses for the surrounding area; 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 June 15, 2009, and adoption of the said annexation and zoning were recommended; and

WHEREAS, pursuant to Wis. Stats. sec. 66.0217(14)(a)1., the City of Madison agrees to pay annually to the Town of Westport, 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 (570) of Section 15.01 of the Madison General Ordinances is hereby created to read as follows:

"15.01(570) - There is hereby attached to the 18th Aldermanic District, the City of Madison, Dane County, Wisconsin, the following described property:

Part of the Northwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , part of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  and part of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 24, Town 8 North, Range 9 East, Town of Westport, Dane County, Wisconsin, more fully described as follows:

Beginning at the Southwest corner of the plat of Third Addition to Cherokee Park, a recorded plat in said Section 24, and the point of intersection of the West line of said Section 24 and the Southwest line of the drainage easement described in Volume 440 of Miscellaneous, Page 36, and recorded in the Dane County Register of Deeds Office; thence Southeasterly along the Southwest line of said Third Addition to Cherokee Park and the Southwest line of the plat of Second Addition to Cherokee Park, a recorded plat in said Section 24, thence S65°40'43"E, 1,356.16 feet (recorded as S66°05'E, 1,355.85 feet); thence continuing along the Southerly line of said Second Addition to Cherokee Park (previously described as the South line of the North 1/2 of the Southwest 1/4 in description No. 14 of the City of Madison Index of Excluded Lands) S89°27'49"E, 968.04 feet (recorded as S89°51'E, 968.62 feet) to a point on the Westerly line of the plat of First Addition to Cherokee Park, a recorded plat in said Section 24, thence along said Westerly line S13°41'14"E, 563.62 feet (recorded as S14°01'E, 564.09 feet); thence continuing along said Westerly line S22°12'11"E, 458.11 feet (recorded as S22°41'E, 458.54 feet) to the Northerly right of way line of Wheeler Road as platted in the plat of Cherokee Park; thence along said Northerly right of way line S67°47'49"W (recorded as S67°19'W), 317.89 feet to a point of curvature; thence continuing along said Northerly right of way line along a curve to the right having a radius of 1,668.00 feet and a chord bearing and distance of S73°15'20"W, 317.35 feet (recorded as S72°46'07.5"W, 316.97 feet) to the Westerly line of said plat of Cherokee Park, thence along said Westerly line S00°49'04"W, 116.28 feet (recorded as S01°17'W, 116.53 feet) to the South line of the said Southwest 1/4 of Section 24, thence along said South line N89°22'11"W, 1,962.95 feet to the Southwest corner of said Section 24; thence along the West line of the said Southwest  $\frac{1}{4}$  of Section 24, N01°37'38"E, 1,846.33 feet to the said Southwest corner of the plat of Third Addition to Cherokee Park and the point of beginning. The above described property contains 3,356,759 sq feet or 77.0605 acres or 0.1204071611 square miles."

2. Subsection (146) of Section 15.02 entitled "Wards and Ward Boundaries" of the Madison General Ordinances is created to read as follows:

"(146) Ward 146. Beginning at the Southwest corner of the plat of Third Addition to Cherokee Park, a recorded plat in said Section 24, and the point of intersection of the West line of said Section 24 and the Southwest line of the drainage easement described In Volume 440 of Miscellaneous, Page 36, and recorded in the Dane County Register of Deeds Office; thence Southeasterly along the Southwest line of said Third Addition to Cherokee Park and the Southwest line of the plat of Second Addition to Cherokee Park, a recorded plat in said Section 24, thence S65°40'43"E, 1,356.16 feet (recorded as

S66°05'E, 1,355.85 feet); thence continuing along the Southerly line of said Second Addition to Cherokee Park (previously described as the South line of the North 1/2 of the Southwest 1/4 in description No. 14 of the City of Madison Index of Excluded Lands) S89°27'49"E, 968.04 feet (recorded as S89°51'E, 968.62 feet) to a point on the Westerly line of the plat of First Addition to Cherokee Park, a recorded plat in said Section 24, thence along said Westerly line S13°41'14"E, 563.62 feet (recorded as S14°01'E, 564.09 feet); thence continuing along said Westerly line S22°12'11"E, 458.11 feet (recorded as S22°41'E, 458.54 feet) to the Northerly right of way line of Wheeler Road as platted in the plat of Cherokee Park; thence along said Northerly right of way line S67°47'49"W (recorded as S67°19'W), 317.89 feet to a point of curvature; thence continuing along said Northerly right of way line along a curve to the right having a radius of 1,668.00 feet and a chord bearing and distance of S73°15'20"W, 317.35 feet (recorded as S72°46'07.5"W, 316.97 feet) to the Westerly line of said plat of Cherokee Park, thence along said Westerly line S00°49'04"W, 116.28 feet (recorded as S01°17'W, 116.53 feet) to the South line of the said Southwest 1/4 of Section 24, thence along said South line N89°22'11"W, 1,962.95 feet to the Southwest corner of said Section 24; thence along the West line of the said Southwest 1/4 of Section 24, N01°37'38"E, 1,846.33 feet to the said Southwest corner of the plat of Third Addition to Cherokee Park and the point of beginning. Polling place at Blackhawk Middle School, 1402 Wyoming Way."

3. Subsection (18) of Section 15.03 entitled "Aldermanic Districts" of the Madison General Ordinances is amended to read as follows:

"(18) Eighteenth Aldermanic District. Wards 22, 23, 24, 25, 143, ~~and 144,~~ and 146."

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.

Adopted on roll call at a regular meeting of the Common Council of the City of Madison, Wisconsin, held on July 7, 2009.

Annexation vote:

Ayes: 15

Noes: 0