



Legislation Text

File #: 72469, Version: 1

Fiscal Note

No City appropriation required.

Title

Implementing the Final Attachment Area of the Town of Madison by creating Section 15.01(647) of the Madison General Ordinances entitled "City Boundaries" and amending Section 15.02(77) entitled "Wards and Ward Boundaries" being part of the chapter entitled "Aldermanic Districts and Wards" detaching from Ward 77, 14th Aldermanic District, property owned by Patrick Henry II, LLC located at 313 W Beltline Highway, which is also known as the "Genesis Parcel".

Body

DRAFTER'S ANALYSIS: On November 5, 2002, the Common Council adopted Resolution 59879 (ID 32734) authorizing the Mayor and City Clerk to execute an intergovernmental agreement among the City of Madison, Town of Madison, and City of Fitchburg regarding boundary changes and other urban growth and municipal service delivery issues pursuant to an approved cooperative plan under Wis. Stats. Ch. 66.0307. The agreement was executed on November 8, 2002. The subsequent cooperative plan was adopted by the Common Council on April 8, 2003 by Resolution 60411 (ID 33561) and was approved by the State of Wisconsin on October 10, 2003. The final cooperative plan established the final attachment of the Town of Madison to the cities of Madison and Fitchburg at 11:59 p.m. on October 30, 2022.

The agreement and final cooperative plan include provisions whereby the City of Madison will detach "the Genesis Parcel" located at 313 W Beltline Highway to the City of Fitchburg at the end of the Protected Period at 11:59 p.m. on October 30, 2022. The parcel was annexed by the City of Madison from the Town of Madison on November 12, 2002 by Substitute Ordinance 13193. Consistent with the agreement and final plan, this ordinance implements the agreed upon detachment of the Genesis Parcel lands from the City of Madison to Fitchburg.

An ordinance to create Subsection (647) of Section 15.01 of the General Ordinances of the City of Madison entitled "City Boundaries" and to amend Subsection (77) of Section 15.02 entitled "Wards and Ward Boundaries" and being part of the chapter entitled "Aldermanic Districts and Wards."

WHEREAS, the City of Madison, Town of Madison, and City of Fitchburg entered into a cooperative plan pursuant to Wis. Stat. § 66.0307 providing for the final attachment of the Town of Madison to the City of Madison and City of Fitchburg; and

WHEREAS Section 7 of the Final City of Madison, City of Fitchburg and Town of Madison Cooperative Plan adopted by the State of Wisconsin on October 10, 2003 requires that the City of Madison detach "the Genesis Parcel" located at 313 W Beltline Highway to the City of Fitchburg at the end of the Protected Period at 11:59 p.m. on October 30, 2022, with a corresponding duly adopted ordinance by the City of Fitchburg to attach the property;

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

1. Subsection (647) of Section 15.01 of the Madison General Ordinances is hereby created to read as follows:

"15.01(647) - There is hereby detached from Ward 77, 14th Alder District, City of Madison, Dane County, Wisconsin, the following described property:

Lot 1, Dane County Certified Survey Map 6493, recorded in Volume 31 of Certified Surveys, pages 321 - 323 as Document No. 2280887 and also other lands located in part of the NE 1/4 of the SE 1/4 of Section 35, all located in Town 7 North, Range 9 East, Dane County, Wisconsin, including a portion of right-of-way of the W. Beltline Highway frontage road of E Badger Road, more fully described as follows:

Commencing at the Center of said Section 35; thence Easterly, 1610 feet, more or less, to the point of intersection with the Northwestern extension of the Easterly line of said Lot 1, CSM 6493; thence S17° 57'33"E, along said Easterly line of said Lot 1 and its Northwestern extension, 344 feet, more or less to the intersection with a line lying 78 feet southeasterly of and parallel with the main Reference Line of said State of Wisconsin Right of Way Project No. 1206-03-24, said parallel line being northwesterly of the of the existing pavement of E Badger Road (a frontage road), said point of intersection also being the Point of Beginning; thence continuing S17°57'33"E, 458 feet, more or less, along the said Easterly line of Lot 1 to the southwest corner of said Lot 1; thence S59°28'25"W, 82.01 feet (recorded as 81.91 feet) along the southerly line of said Lot 1; thence S70°01'10"W, 146.32 feet along said southerly line of said Lot 1; thence S00°10'21"W, 3.38 feet (recorded as S 00°10'12" W, 3.26 feet); thence S70°01'10"W, 226.42 feet; thence N00°10'10"E, 30.0 feet; thence N50°01'00"E, 42.62 feet; thence N00°01'10"E, 85.0 feet; thence N30°10'10"E, 40.00 feet; thence N00° 10'10"E, 349 feet, more or less, to the intersection with the said line lying 78 feet southeasterly of and parallel with the main Reference Line of said State of Wisconsin Right of Way Project No. 1206-03-24 and northwesterly of the of the existing pavement of E Badger Road frontage road; thence Northeasterly, 240 feet, more or less, parallel with and 78 feet southeasterly of the main Reference Line of said State of Wisconsin Right of Way Project No. 1206-03-24 and northwesterly of the of the existing pavement of E Badger Road to the Point of Beginning. Said described parcel to be detached contains approximately 3.55 acres, 154,500 square feet or 0.0055 square miles, more or less.

2. Subsection (77) of Section 15.02 entitled "Wards and Ward Boundaries" of the Madison General Ordinances is hereby amended as follows:

"(77) Ward 77. Beginning at the point of intersection of the southerly prolongation of the east line of CSM 1553 with the centerline/reference line of West Beltline Highway; thence N00°28'40"W along said prolongation, 87 feet, more or less, to the Southeast corner of Lot 3, Certified Survey Map No. 1553; thence continuing N00° 28'40"W along the East line of said CSM 1553, 415.87 feet to the Northeast corner of Lot 2, CSM 1553; thence N89°26'12"W, along the North line of said Lot 2, 229.37 feet to the Northwest corner thereof; thence continuing N89°26'12"W, along the Westerly prolongation of the North line of Lot 2, CSM 1553, 33 feet, more or less, to the centerline of Todd Drive; thence Southerly 110 feet, more or less, to the Easterly prolongation of the South line of Lot 1, CSM 3000; thence N87°44'35"W along said Easterly prolongation, 33 feet, more or less, to Southeast corner of Lot 1, CSM 3000; thence continuing N87°44'35"W along the South line of said Lot 1, 296.45 feet to the Southwest corner thereof; thence N00°18'48"W, 822.94 feet along the West line of CSM 3000, and the West line of the Johannsen Plat, to the Northwest corner of the Johannsen Plat and the West quarter corner of Section 34, T7N R9E; thence S89°53'32"E, along the north line of the SW ¼ of said Section 34; 1328 feet; thence South on the West line of the East ½ of the Southwest ¼ of Section 34, 40 feet more or less, to a point that is 1,279.00 feet North of the South line of the North ½ of the said Southwest ¼ of Section 34; thence East 481.00 feet on a line that is parallel to and 1,279.00 feet North of the South line of the North ½ of the said Southwest ¼; thence South on a line that is parallel to and 825.00 feet West of the West line of the East ½ of said Section 34 to the reference line of West Beltline Highway; thence East on the reference line of West Beltline Highway to the West line of the East ½ of said Section 34; thence North on said West line, 365 feet more or less, to the Southeasterly right-of-way line of the said Chicago and Northwestern Transportation

Company; thence Northeasterly along the said Southeasterly right-of-way line to a point which is 313.50 feet East of, measured at right angles to, the West line of the East ½ of said Section 34; thence South on a line that is parallel to and 313.50 feet East of the West line of the East ½ of said Section 34, to the reference line of West Beltline Highway; thence easterly along said reference line of West Beltline Highway, 1,000 feet more or less to the point of intersection with the Southerly prolongation of the West line of vacated Ida Street as platted in said Madison Shops Plat, a recorded Plat in said Section 34; thence Northerly along the said Southerly prolongation of the West line of said vacated Ida Street, 320 feet, more or less, to the Southwest corner of said vacated Ida Street; thence East along the most Southerly line of said Madison Shops Plat, 540 feet, more or less, to a point which is 250.00 feet West of the center line of Fish Hatchery Road, as platted in said Madison Shops Plat measured along said most Southerly line of said Madison Shops Plat; thence Southerly on a line which is at right angles to the most Southerly line of said Madison Shops Plat, 340 feet, more or less, to a point on the center line of said U.S. Highways 12, 14 and 18; thence Easterly along said center line, 90 feet, more or less, to a point of intersection with the center line of said Fish Hatchery Road; thence Southerly along the center line of said Fish Hatchery Road, 1360 feet, more or less, to the North line of Section 3, Town 6 North, Range 9 East; thence South 89°39'10" East, along the North line of said Section 3 to a point that is North 89°39'10" West, 914.10 feet from the Northeast corner of said Section 3, measured along the North line of the Northeast ¼ of said Section 3; thence South 00°20'50" West, 168.17 feet; thence South 74°10'20" East, 240.25 feet to a point that is 233.00 feet South of, measured at right angles to, the North line of the Northeast ¼ of said Section 3; thence South 89°39'10" East, 682.57 feet, to the East line of the Northeast ¼ of said Section 3; thence South 01°58'50" East, along the East line of the Northeast ¼ of said Section 3 to a point that is 316.96 feet North of the East ¼ corner of said Section 3, measured along the East line of said Section 3; thence North 71°33'54" East, 553.00 feet; thence North 61°00'40" East, 589.18 feet; thence South 89°00'00" East, 932.00 feet; thence South 02°14'23" West, 770.00 feet to the South line of the Northwest ¼ of Section 2, Town 6 North, Range 9 East; thence North 89°30'33" East, 726.00 feet along the South line of the Northwest ¼ of said Section 2 to the center line of Syene Road, said center line also being the East line of the Northwest ¼ of said Section 2; thence North 02°17'22" East along the said center line of Syene Road to a point that is South 02°17'22" West, 1,735.12 feet South of the North ¼ corner of said Section 2, measured along the said West line of the Northeast ¼ of said Section 2; thence South 89°42'38" East, 394.60 feet; thence North 80°47'16" East, 344.43 feet; thence North 32°01'17" East, 923.45 feet; thence North 05°10'49" East, 138.50 feet; thence North 89°07'09" West, 1,014.20 feet, more or less, to a point that is 183.00 feet East of the West line of the Northeast ¼ of said Section 2; thence North 02°17'22" East, along said line that is parallel to and 183.00 feet East of the said West line, 200 feet, more or less, to a point on a line that is parallel to and 200 feet north of, as measured at right angles to, the South line of a parcel described in Volume 513 of Deeds, Page 357, as Document Number 763139; thence North 88°32'06" West, along said line that is 200 feet north of the South line of said described parcel, 134 feet (distance based on City of Madison project no. 53W1104 - Syene Road Assessment District-2011), more or less; thence North 11°27'49" East, 67.03 feet, to the easterly extension of the South right-of-way line of Stewart Street; thence South 88°33'10" East, along the said South line of Stewart St. extended, 31 feet (distance based on City of Madison project no. 53W1104 - Syene Road Assessment District-2011), more or less, to a point that is 70.00 feet East of the center line of Syene Road; thence Northerly and Northeasterly along said line that is parallel to and 70.00 feet East of the center line of Syene Road, to the North line of the Northeast ¼ of said Section 2; thence Westerly 73.00 feet along the North line of the Northeast ¼ of said Section 2, to the existing center line of Syene Road; thence continuing Westerly 670.00 feet along the North line of said Section 2 to the Southeast corner of the Beltline Projects Plat, a recorded plat in Section 35, Town 7 North, Range 9 East; thence North along the East line of said Beltline Projects Plat and said East line extended North, 1320 feet, more or less, to the North line of the Southeast ¼ of the Southwest ¼ of said Section 35; thence East along said North line, 640 feet, more or less, to the East line of the Southwest ¼ of said Section 35; thence Southerly along said East line of the Southwest ¼ of said Section 35, 700 feet, more or less, to a point on said East line which is 622.80 feet North of the South line of said Section 35, measured along said East line of the Southwest ¼ of said Section 35; thence East 650.00 feet on a line that is parallel to and 622.80 feet North of said South line of said Section 35; thence South on a line parallel to and 650.00 feet East of the East line of said Southwest ¼, 620 feet, more or less, to the South line of said Section 35; thence Easterly along said South line, 500 feet, more or less, to the Westerly right-of-

way line of the said Chicago and Northwestern Transportation Company; Thence Northerly along said Westerly right-of-way line, 620 feet, more or less, to the center line of U.S. Highway 14; thence Northwesterly along said highway center line, 680 feet, more or less; thence Northwesterly on a straight line to the point of intersection of the centerline of the West Beltline Highway (USH 12 & 18) and the East line of the Southwest ¼ of Section 35, Town 7 North, Range 9 East, said point being 850.00 feet South of the North line of said Southwest ¼ measured along the said East line of the said Southwest ¼ of Section 35; thence North 70° 38'12" East, along the centerline of said West Beltline Highway (USH 12 & 18), 1573.3 feet; thence South 00° 10'10" West, 447 feet, more or less; thence South 30°10'10" West, 40.0 feet; thence South 00°10'10" West, 85.0 feet; thence South 50°01'00" West, 42.62 feet; thence South 00°10'10" West, 30.0 feet; thence North 70° 01'10" East, 226.42 feet; thence North 00°10'12" West, 3.38 feet (recorded as N00°10'12"E, 3.26); thence North 70°01'10" East, 146.32 feet; thence North 59°28'25" East, 82.01 feet; thence North 17°57'33" West, 806.6 feet to the North line of the Southeast ¼ of Section 35, also being the centerline of West Badger Road; thence North 90°00'00" West, along said North line of the Southeast ¼, 1017 feet, more or less to the point of intersection with the Southerly prolongation of the East line of lands conveyed by Document No. 3928527; thence North 00°45" East, along said Southerly prolongation and East line of lands conveyed by Document No. 3928527, 290.5 feet, more or less, to the Northeast corner thereof; thence Westerly along the north line of said lands, 178.7 feet more or less, to the Northwest corner thereof, also being the Northeast corner of lands conveyed by Document No. 3133493; thence continuing Westerly along the North line of lands conveyed by Document No. 3133493, 95 feet, more or less, to the Northwest corner thereof and the Southeast corner of lands conveyed by Document No. 3160144; thence Northerly along the East line of said lands, 306.2 feet to the Southeast corner of old town parcel number 0709-351-9100-5 being part of lands conveyed by Volume 15994, Page 2 as Document No. 2265627; thence continuing Northerly along the East line of said lands, 587.5 feet to the centerline of Buick Street; thence westerly along the centerline of Buick St, 310 feet more or less to the centerline of S Park St; thence northerly along the centerline of S Park St, 285 feet more or less to the intersection with the centerline of Ridgewood Way; thence westerly along the centerline of Ridgewood Way (platted as Ridgewood St), 525 feet, more or less, to the point of intersection with the Northerly prolongation of the West line of Lot 10, Block 5, Oak Ridge; thence Southerly, along the Northerly prolongation and West line of Lot 10, Block 5, thereof, 145 feet to the Southwest corner of said Lot 10; thence Westerly, first along the South line of Oak Ridge, then becoming the North line of First Addition to Burr Oaks and finally the North line of Second Addition to Burr Oaks, 1,900 feet, more or less, to the Southeasterly right-of-way line of the said Chicago and Northwesterly Transportation Company; thence Southwesterly along said right-of-way line to the West line of said Section 35; thence North along said West line of said Section 35 to the Southeast corner of the Northeast ¼ of the Northeast ¼ of Section 34, Town 7 North, Range 9 East; thence N89°13'27"W on the South line of the North ½ of the Northeast ¼ of said Section 34, 930 feet, more or less, to the southwest corner of Parkside Gardens Condominium Homes; thence northerly along the west line of said Parkwood Gardens and west line of Lot 1, CSM 12181, 274.87 feet to the northwest corner of said Lot 1 and south right-of-way line of Martin St; thence N89°23'22"W, along said southerly right-of-way line, 2030.77 feet; thence N32° 54'23"W along the southwesterly edge of Martin St, 473.32 feet to a point on a curve on Block A, Lake Forest plat; thence northeasterly, northwesterly and southwesterly on a curve to the left which has a radius of 200.00' and a chord which bears N34°43'38"W, 393.40 feet; thence N32°54'23"W, 318.75 feet to a point of curve; thence northwesterly on a curve to the left which has a radius of 40.00 feet and a chord which bears N67° 09'27"W, 45.03 feet to a point on a curve; thence northwesterly on a curve to the right which has a radius of 213.60 feet and a chord which bears N73°35'23"W, 199.37 feet to the southeasterly edge of Rowan Street; thence S56°20'10"W, along said southeasterly edge, 544.25 feet to the southerly edge of Stoner Street; thence N77°59'07"W, 233.74 feet; thence N12°00'53"E, 50.00 feet to the southwest corner of CSM 4531; thence N15°34'27"W, along the edge of said CSM 4531, to the point of intersection with the centerline of Arboretum Dr; thence southerly, westerly, southwesterly and southerly along centerline of Arboretum Dr, 4,250 feet more or less to the cul-de-sac entrance from Arboretum Dr to the UW Arboretum; thence continuing southerly within the Arboretum Dr/McCaffrey Dr right-of-way, 750 feet more or less to the point of intersection with the East-West ¼ line of Section 33, Town 7 North, Range 9 East; thence westerly along said East-West ¼ line, 250 feet more or less to the Center ¼ of Section 33; thence continuing westerly along the East-West ¼ line, 1,340 feet more or less to the point of intersection with the centerline of McCaffrey Dr; thence westerly

along the centerline of McCaffrey Dr, 1,400 feet more or less to the centerline of Seminole Hwy; thence southerly along the centerline of Seminole Hwy, 185 feet more or less, to the West ¼ Corner of Section 33; thence easterly along the East-west ¼ line and north line of Lot 17, Westwood plat, 325 feet more or less to the northeast corner of said Lot 17; thence southerly along the east line of Westwood plat, and southerly prolongation thereof, 1,450 feet more or less to the point of intersection with the West Beltline Highway centerline/reference line; thence easterly along said centerline/reference line, 5,550 feet to the point of intersection with the southerly prolongation of the east line of CSM 1553 and the point of beginning.

Except that part of the North ½ of the Southwest ¼ of Section 35, Town 7 North, Range 9 East, Town of Madison, Dane County, Wisconsin, more fully described as follows: Beginning at a point in the North line of the Southwest ¼ of said Section 35 which is 1,800.07 feet East of the West ¼ corner of said Section 35; thence South 00°06'38" West, 299.00 feet to the Southwest corner of Lot 2, certified Survey Map No. 106; thence Southerly along the East line of lands conveyed by Document No. 3104994, 270.2 feet; thence Westerly along said East line, 35.8 feet; thence Southerly, along said East line, 109 feet, more or less to a point on the North line of Lot 4, Certified Survey Map 8914; thence North 89°13'48" West, along said North line, 442.94 feet to the Northwest corner of said Lot 4, also being a point on the East line of Lot 3, said Certified Survey Map 8914; thence North 00°57'06" West, along the east line of said Lot 3, 33.00 feet; thence North 89°33'11" West, along the North line of said Lot 3, also being the South line of Assessor's Plat No. 5 Town of Madison, 660.00 feet; thence continuing Westerly along the South line of Assessor's Plat No. 5 Town of Madison, 165 feet more or less to a point on the East line of Lot 2, Haase Gardens; thence North 00°14'30" East, along the East line of said Lot 2, 196.07 feet to the Northeast corner thereof, also being the Southeast corner of First Addition to Haase Gardens; thence continuing North 00°14'30" East, along the East line of First Addition to Haase Gardens, 200.00 feet to the Northeast corner thereof; thence North 88°42'30" West on the North line of said First Addition to Haase Gardens, 200.04 feet to the East line of the Rauch Petersen Apartment Plat; thence North on the said East line and the Northerly prolongation of said East line to the South line of the Northwest ¼ of said Section 35; thence East along the said South line of said Northwest ¼ to the point of beginning.

And also except that part of the NE 1/4 of the SE 1/4 of Section 35, all located in Town 7 North, Range 9 East, Dane County, Wisconsin, including a portion of right-of-way of the W. Beltline Highway frontage road of E Badger Road, more fully described as follows: Commencing at the Center of said Section 35; thence Easterly, 1610 feet, more or less, to the point of intersection with the Northwesterly extension of the Easterly line of said Lot 1, CSM 6493; thence S17°57'33"E, along said Easterly line of said Lot 1 and its Northwesterly extension, 344 feet, more or less to the intersection with a line lying 78 feet southeasterly of and parallel with the main Reference Line of said State of Wisconsin Right of Way Project No. 1206-03-24, said parallel line being northwesterly of the of the existing pavement of E Badger Road (a frontage road), said point of intersection also being the Point of Beginning; thence continuing S17°57'33"E, 458 feet, more or less, along the said Easterly line of Lot 1 to the southwest corner of said Lot 1; thence S59°28'25"W, 82.01 feet (recorded as 81.91 feet) along the southerly line of said Lot 1; thence S70°01'10"W, 146.32 feet along said southerly line of said Lot 1; thence S00°10'21"W, 3.38 feet (recorded as S 00°10'12" W, 3.26 feet); thence S70°01'10"W, 226.42 feet; thence N00°10'10"E, 30.0 feet; thence N50°01'00"E, 42.62 feet; thence N00°01'10"E, 85.0 feet; thence N30°10'10"E, 40.00 feet; thence N00°10'10"E, 349 feet, more or less, to the intersection with the said line lying 78 feet southeasterly of and parallel with the main Reference Line of said State of Wisconsin Right of Way Project No. 1206-03-24 and northwesterly of the of the existing pavement of E Badger Road frontage road; thence Northeasterly, 240 feet, more or less, parallel with and 78 feet southeasterly of the main Reference Line of said State of Wisconsin Right of Way Project No. 1206-03-24 and northwesterly of the of the existing pavement of E Badger Road to the Point of Beginning. Said described parcel to be detached contains approximately 3.55 acres, 154,500 square feet or 0.0055 square miles, more or less. Polling place at Village on Park, 2300 South Park Street."

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.

4. This ordinance shall take effect at 11:59 p.m. on October 30, 2022 in accordance with the terms of the agreement and plan.

EDITOR'S NOTE: Pursuant to Wis. Stat. § 66.0227(2), this detachment ordinance must be enacted by a three-fourths vote of the elected members of the Common Council or at least 15 votes.