



## Legislation Text

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**File #:** 28488, **Version:** 1

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### **Fiscal Note**

No significant fiscal impact is anticipated (there may be a potential property tax loss to the City of up to \$2.30). The City will also retain the future right to levy special assessments against the property, if such a levy were required.

### **Title**

Authorizing the Mayor and City Clerk to execute an "Intergovernmental Agreement Regarding the Boundary Adjustment at 3101 Syene Rd." and a "Boundary Adjustment Agreement Regarding 3101 Syene Rd." with the City of Fitchburg (14<sup>th</sup> AD).

### **Body**

WHEREAS, Wisconsin Statutes, Section 66.0301(6), authorizes municipalities whose boundaries are immediately adjacent at any point to enter into a written agreement determining all or a portion of common boundary line between the municipalities; and,

WHEREAS, Wisconsin Statutes, Section 66.0301, authorizes the Parties to contract for the joint exercise of their powers and duties, and sharing of expenses arising therefrom; and,

WHEREAS, Wisconsin Statutes, Section 66.0707, authorizes a city to levy special assessments for municipal work or improvements or impose special charges against property in an adjacent town, under certain conditions; and,

WHEREAS, the property located at 3101 Syene Rd., Parcel No. 251-0609-021-0092-8, (the "Parcel") is a lot approximately 2137 square feet in area, owned by Nicholas & Kerry Laper ("Lapers"), that is entirely in Madison, with the eastern property line also being the jurisdictional line between Madison and Fitchburg, and the western property line lying along and being made up of the Syene Rd. right-of-way; and,

WHEREAS, the Parcel's only current use is to provide a joint-driveway approach for 3105 Syene Rd. and 3030 Syene Rd. (a property made up of multiple tax parcels that is also owned by the Lapers and that is entirely in Fitchburg); and,

WHEREAS, during the 2011 reconstruction of Syene Rd. it was discovered that portions of the Parcel are occupied by Syene Rd.; and,

WHEREAS, the Lapers have expressed an interest in having the Parcel brought into Fitchburg so that it can be assembled with the parcels making up 3030 Syene Rd. and both Madison and Fitchburg are in agreement with this request, subject to certain conditions, specifically that the Lapers dedicate a portion of the Parcel (1,256.3 square feet) to Madison for the Syene Rd. right-of-way and Madison and Fitchburg enter into an intergovernmental agreement regarding the boundary adjustment that will address Madison's ability to impose special charges or special assessments on the Parcel, future redevelopment of the Parcel, and the possible future extensions by Fitchburg of Stewart Street or Alta Drive over any portion of the Parcel.

BE IT RESOLVED, that the Office of Real Estate Services is authorized to accept, on behalf of the City, from the Lapers a portion of the Parcel as dedicated right-of-way.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized to execute an "Intergovernmental Agreement Regarding the Boundary Adjustment at 3101 Syene Rd." and a "Boundary

Adjustment Agreement Regarding 3101 Syene Rd.” with the City of Fitchburg on terms consistent with the above and the attached agreements.