



Legislation Details (With Text)

**File #:** 44743      **Version:** 1      **Name:** Badger Bowl Attachment  
**Type:** Ordinance      **Status:** Passed  
**File created:** 10/11/2016      **In control:** PLAN COMMISSION  
**On agenda:** 11/22/2016      **Final action:** 11/22/2016  
**Enactment date:** 12/3/2016      **Enactment #:** ORD-16-00102

**Title:** Creating Section 15.01(601) of the Madison General Ordinances entitled "City Boundaries" and being part of the chapter entitled "Aldermanic Districts and Wards" attaching to the 14th Aldermanic District the Carey and Slinde Enterprises, LLC (aka Badger Bowl) Attachment; creating Section 15.02(139) of the Madison General Ordinances to assign the attached property to Ward 139; amending Section 15.03(14) to add Ward 139 to Aldermanic District 14; and creating Section 28.022 - 00256 to zone the property CC (Commercial Center) District

**Sponsors:** Paul R. Soglin

**Indexes:**

**Code sections:**

**Attachments:** 1. Map, 2. Maps&Petition.pdf, 3. Staff Comments.pdf, 4. Register of Deeds copy

Date	Ver.	Action By	Action	Result
11/22/2016	1	COMMON COUNCIL	Adopt and Close the Public Hearing	Pass
11/7/2016	1	PLAN COMMISSION	RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING	Pass
10/18/2016	1	COMMON COUNCIL	Refer	Pass
10/11/2016	1	Attorney's Office/Approval Group	Referred for Introduction	

**Fiscal Note**

The proposed ordinance attaches the Carey and Slinde Enterprises LLC Attachment (aka Badger Bowl). Due to the revenue sharing provision in the executed agreement with the Town of Madison for the project, the Town is entitled to 50% of the City's local share of property taxes on the combined Badger Bowl parcels, with the Town getting a minimum of its 2015 local share. The existing site (the Badger Bowl parking lot) generated \$2,893.47 for the City in 2015. The Badger Bowl site in the Town that is the subject of the attachment petition generated \$13,961.94 in 2015 for the Town. Not accounting for the higher mill rate in the City and assuming no change in assessed value, the City would be expected to pay the Town \$13,961.94 in 2016 (the minimum), while retaining the full \$2,893.47. Until the property develops, the City will have the same revenue off the parcels that it currently has. The City's higher mill rate will likely generate a little surplus off of the Badger Bowl parcel than what it is paying the Town. Hence, the only real cost to the City from the attachment are the costs of City services incurred to serve the Badger Bowl parcel prior to redevelopment, less any additional revenue attributable to the City's higher mill rate and/or a reassessment of the Badger Bowl parcel.

**Title**

Creating Section 15.01(601) of the Madison General Ordinances entitled "City Boundaries" and being part of the chapter entitled "Aldermanic Districts and Wards" attaching to the 14th Aldermanic District the Carey and Slinde Enterprises, LLC (aka Badger Bowl) Attachment; creating Section 15.02(139) of the Madison General Ordinances to assign the attached property to Ward 139; amending Section 15.03(14) to add Ward 139 to Aldermanic District 14; and creating Section 28.022 - 00256 to zone the property CC (Commercial Center) District

**Body**

**DRAFTER'S ANALYSIS:** This ordinance attaches land pursuant to the Cooperative Plan entered into by the

City, Town of Madison, and City of Fitchburg, which was approved on October 10, 2003 by the State of Wisconsin. Pursuant to the Cooperative Plan, individual property owners may petition the City for early attachment following approval by the Town Board. The owner of the properties at 502-506 E. Badger Road petitioned the City for early attachment in order to construct a project that is proposed to straddle the current boundary between the Town and the City. The Town of Madison Board approved of the early attachment and has executed an Early Attachment Agreement and Municipal Revenue Sharing Agreement with the City (authorized by RES 16-00744 No. 44093, adopted by the Common Council of the City of Madison on September 20, 2016) detailing that in exchange for early attachment the City will pay the Town one-half of the City's share of property taxes from the Project Parcels (502-506 E. Badger Rd.) until October 31, 2022, when the parcel would have otherwise attached to the City under the Cooperative Plan. In addition to effecting the early attachment, this ordinance also assigns Commercial Center District Zoning to the attached parcel.

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The Common Council of the City of Madison do hereby ordain as follows:

An ordinance to create Subsection (601) 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 September 27, 2016, 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 Madison; said petition having been signed by the owners of all of the land in the territory; there being no residents or electors; and notice of the proposed attachment having been given to the Town of Madison; 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, Town of Madison, and City of Fitchburg Cooperative Plan approved pursuant to Wis. Stat. § 66.0307;

WHEREAS, under the early attachment provisions of Sec. 8.A.1 of the Cooperative Plan, property owners may petition the City for early attachment following approval of the Town Board; and

WHEREAS, the owner of the parcels located at 502 E. Badger Rd. has petitioned the City for early attachment, which the Town Board approves of, subject to the Terms and Conditions of the Early Attachment Agreement and Municipal Revenue Sharing Agreement for the 502-506 E. Bader Road Project;

WHEREAS, in return for allowing early attachment of the 506 E. Badger Rd. parcel into the City, the City agrees to pay the Town municipal revenue sharing of the local share of property tax revenue as required by the Municipal Revenue Sharing Agreement.

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

1. Subsection (601) of Section 15.01 of the Madison General Ordinances is hereby created to read as follows:

"15.01(601) - There is hereby attached to the 14<sup>th</sup> Aldermanic District, the City of Madison, Dane County, Wisconsin, the following described property:

Part of Lot Five (5) and Lot Four (4), Block One (1), W.H. Jacobs and E.S. Barker's Subdivision (hereinafter referred to as Barker's Subdivision), as recorded in Book 2 of Plats, on Page 1, as Document Number 217049, Dane County Registry, and other lands located in the Southeast Quarter of the Northwest Quarter of Section 36, Township 7N, Range 9E, in the Town of Madison, Dane County, Wisconsin more particularly describes as

follows:

Commencing at the West Quarter corner of said Section 36; thence S89°10'07"E along the South line of the NW ¼ of said Section 36, 1769.11 feet to the intersection with the existing corporate boundary of the City of Madison and the point of beginning; thence N02°36'42"W along said corporate boundary, 33.33 feet to the Northerly right of way line of East Badger Road; thence continuing along said corporate boundary and the East line of the S.H. (School House) Lot and its Northerly prolongation thereof, N02°36'42"E, 332.98 feet; thence continuing along said corporate boundary S89°11'01"E, 227.32 feet to a point on the East line of said Lot 5 of Barker's Subdivision; thence continuing along said corporate boundary and along the said East line of Lot 5, N00°22'39"E, 51.07 feet to the intersection with the South line of Lot 3, Block 1 of said Barker's Subdivision; thence continuing along said corporate boundary and the said South line of Lot 3, S89°09'51"E, 18.30 feet to the centerline of said Nob Hill Road and a point of curvature; thence along said centerline and the arc of a curve to the right through a central angle of 19°41'29", an arc distance of 68.74 feet, a radius of 200.00 feet and a chord bearing S09°28'07"E, 68.40 feet; thence continuing along said centerline S00°22'39"W, 349.97 feet to the centerline of East Badger Road and the South line of the NW 1/4 of said Section 36; thence along said centerline and said South line N89°10'07"W, 271.60 feet to the point of beginning. This description contains approximately 98,110 square feet or 2.2523 acres or 0.0035 square miles."

[Includes right of way for E. Badger Road and Nob Hill Road]

2. Subsection (139) of Section 15.02 entitled "Wards and Ward Boundaries" of the Madison General Ordinances reads as follows:

"(139) Ward 139. Part of Lot Five (5) and Lot Four (4), Block One (1), W.H. Jacobs and E.S. Barker's Subdivision (hereinafter referred to as Barker's Subdivision), as recorded in Book 2 of Plats, on Page 1, as Document Number 217049, Dane County Registry, and other lands located in the Southeast Quarter of the Northwest Quarter of Section 36, Township 7N, Range 9E, in the Town of Madison, Dane County, Wisconsin more particularly describes as follows:

Commencing at the West Quarter corner of said Section 36; thence S89°10'07"E along the South line of the NW ¼ of said Section 36, 1769.11 feet to the intersection with the existing corporate boundary of the City of Madison and the point of beginning; thence N02°36'42"W along said corporate boundary, 33.33 feet to the Northerly right of way line of East Badger Road; thence continuing along said corporate boundary and the East line of the S.H. (School House) Lot and its Northerly prolongation thereof, N02°36'42"E, 332.98 feet; thence continuing along said corporate boundary S89°11'01"E, 227.32 feet to a point on the East line of said Lot 5 of Barker's Subdivision; thence continuing along said corporate boundary and along the said East line of Lot 5, N00°22'39"E, 51.07 feet to the intersection with the South line of Lot 3, Block 1 of said Barker's Subdivision; thence continuing along said corporate boundary and the said South line of Lot 3, S89°09'51"E, 18.30 feet to the centerline of said Nob Hill Road and a point of curvature; thence along said centerline and the arc of a curve to the right through a central angle of 19°41'29", an arc distance of 68.74 feet, a radius of 200.00 feet and a chord bearing S09°28'07"E, 68.40 feet; thence continuing along said centerline S00°22'39"W, 349.97 feet to the centerline of East Badger Road and the South line of the NW 1/4 of said Section 36; thence along said centerline and said South line N89°10'07"W, 271.60 feet to the point of beginning. Polling place at Resilience Research Center, 501 E. Badger Road."

3. Subsection (14) of Section 15.03 entitled "Aldermanic Districts" of the Madison General Ordinances is amended to read as follows:

(14) Fourteenth Aldermanic District. Wards 70, 71, 72, 73, 74, 75, and 113, and 139."

4. Map Amendment 00256 of Section 28.022 of the Madison General Ordinances is hereby created to read as follows:

"28.022-00256. The following described property is hereby added to the CC (Commercial Center) District:

Part of Lot Five (5) and Lot Four (4), Block One (1), W.H. Jacobs and E.S. Barker's Subdivision (hereinafter referred to as Barker's Subdivision), as recorded in Book 2 of Plats, on Page 1, as Document Number 217049, Dane County Registry, and other lands located in the Southeast Quarter of the Northwest Quarter of Section 36, Township 7N, Range 9E, in the Town of Madison, Dane County, Wisconsin more particularly describes as follows:

Commencing at the West Quarter corner of said Section 36; thence S89°10'07"E along the South line of the NW ¼ of said Section 36, 1769.11 feet to the intersection with the existing corporate boundary of the City of Madison and the point of beginning; thence N02°36'42"W along said corporate boundary, 33.33 feet to the Northerly right of way line of East Badger Road; thence continuing along said corporate boundary and the East line of the S.H. (School House) Lot and its Northerly prolongation thereof, N02°36'42"E, 332.98 feet; thence continuing along said corporate boundary S89°11'01"E, 227.32 feet to a point on the East line of said Lot 5 of Barker's Subdivision; thence continuing along said corporate boundary and along the said East line of Lot 5, N00°22'39"E, 51.07 feet to the intersection with the South line of Lot 3, Block 1 of said Barker's Subdivision; thence continuing along said corporate boundary and the said South line of Lot 3, S89°09'51"E, 18.30 feet to the centerline of said Nob Hill Road and a point of curvature; thence along said centerline and the arc of a curve to the right through a central angle of 19°41'29", an arc distance of 68.74 feet, a radius of 200.00 feet and a chord bearing S09°28'07"E, 68.40 feet; thence continuing along said centerline S00°22'39"W, 349.97 feet to the centerline of East Badger Road and the South line of the NW 1/4 of said Section 36; thence along said centerline and said South line N89°10'07"W, 271.60 feet to the point of beginning. This description contains approximately 98,110 square feet or 2.2523 acres or 0.0035 square miles."