



Legislation Details (With Text)

**File #:** 54789      **Version:** 1      **Name:** Attachment - Hooper Construction Corporation parcel  
**Type:** Ordinance      **Status:** Passed  
**File created:** 2/20/2019      **In control:** PLAN COMMISSION  
**On agenda:** 4/16/2019      **Final action:** 4/16/2019  
**Enactment date:** 4/30/2019      **Enactment #:** ORD-19-00027

**Title:** Creating Section 15.01(610) of the Madison General Ordinances entitled "City Boundaries" and being part of the chapter entitled "Aldermanic Districts and Wards" attaching to the 17th Aldermanic District the Hooper Corporation Attachment and creating Section 15.02(145) to assign the attached property to Ward 145 attaching to the Hooper Corporation Attachment and creating Section 28.022 - 00369 assigning a zoning classification of IL (Industrial - Limited) District.

**Sponsors:** Samba Baldeh

**Indexes:**

**Code sections:**

**Attachments:** 1. Map, 2. Link\_Reso\_54671, 3. registered copy

Date	Ver.	Action By	Action	Result
4/16/2019	1	COMMON COUNCIL	Adopt with Conditions and Close the Public Hearing	Pass
3/25/2019	1	PLAN COMMISSION	RECOMMEND TO COUNCIL TO ADOPT WITH CONDITIONS - PUBLIC HEARING	Pass
2/26/2019	1	COMMON COUNCIL	Refer	Pass
2/20/2019	1	Attorney's Office/Approval Group	Referred for Introduction	

**Fiscal Note**

Council adopted RES-19-00107 (File 53924) authorized an Early Attachment and Revenue Sharing Agreement with the Town of Burke for the property outlined by this ordinance. Per adopted RES-19-00107, the City of Madison and Town of Burke agree that equally splitting the local share of property tax revenues from the Development is appropriate, provided that at a minimum the Town shall receive the amount it would otherwise collect if the property remained in the Town. The 2018 Town of Burke property taxes for the two parcels totaled \$520.44. No City appropriation required.

**Title**

Creating Section 15.01(610) of the Madison General Ordinances entitled "City Boundaries" and being part of the chapter entitled "Aldermanic Districts and Wards" attaching to the 17th Aldermanic District the Hooper Corporation Attachment and creating Section 15.02(145) to assign the attached property to Ward 145 attaching to the Hooper Corporation Attachment and creating Section 28.022 - 00369 assigning a zoning classification of IL (Industrial - Limited) District.

**Body**

DRAFTER'S ANALYSIS: This ordinance attaches the Hooper Corporation land in the Town of Burke pursuant to the Cooperative Plan with the City of Madison, Town of Burke, City of Sun Prairie, and Village of DeForest. This early attachment is also being made pursuant to a separate Early Attachment and Revenue Sharing Agreement with the Town of Burke, which outlines the revenue component post-attachment.

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An ordinance to create Subsection (610) 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, pursuant to Sections 9.B. and 10 of the Final Town of Burke, Village of DeForest, City of Sun Prairie and City of Madison Cooperative Plan approved by the State of Wisconsin Department of Administration on May 4, 2007 and the terms of the Early Attachment and Revenue Sharing Agreement for the Hoepker Road Project entered into by the City and the Town of Burke on February 8, 2019, a petition for attachment with scale map attached was filed with the City Clerk of Madison on February 8, 2019, 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 Burke pursuant to Wis. Stat. § 66.0307; said petition having been signed by the owners of all of the land in the territory; said early attachment of land in a Protected Area identified in the Cooperative Plan having been authorized by the Town Board of Supervisors; and notice of the proposed attachment having been given to the Town of Burke; and

WHEREAS, pursuant to the terms of the Early Attachment and Revenue Sharing Agreement for the Hoepker Road Project with the Town of Burke, the City of Madison, as a condition of the Town's agreement to the early attachment, agrees to pay annually to the Town of Burke, through final attachment of the Town in 2036, an amount equal to one-half of the City's share of property taxes from the attached territory and adjoining development lands received by the City in each quarter that taxes are levied on the attached territory and development lands, provided that at a minimum the City shall pay the Town the local share of property taxes levied by the Town in 2019; 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 Burke, City of Sun Prairie, Village of DeForest Cooperative Plan approved pursuant to Wis. Stat. § 66.0307;

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

1. Subsection (610) of Section 15.01 of the Madison General Ordinances is hereby created to read as follows:

"15.01(610) - There is hereby attached to the 17<sup>th</sup> Aldermanic District, the City of Madison, Dane County, Wisconsin, the following described property and pursuant to the provisions of Sec. 28.005, MGO, the territory attached by this ordinance is hereby assigned a zoning classification of IL (Industrial - Limited) District:

"All of Lot 2, Certified Survey Map No. 9690, recorded in Vol. 56 of Certified Surveys, Pgs. 38-42, and part of Hoepker Road located in part of the SW 1/4 and NW 1/4 of the SW 1/4 of Section 9, and part of the NW 1/4 of the NW 1/4 of Section 16, T8N, R10E, Town of Burke, Dane County, Wisconsin, being more particularly described as follows:

Commencing at the Southwest corner of said Section 9; thence N89°28'36"E along the south line of said SW 1/4, 150.47 feet to the point of beginning. Thence continue N89°28'36"E, 798.95 feet along said south line; thence S01°34'11"W, 40.57 feet to the southerly right of way of Hoepker Road; thence N88°12'25"E along said right of way, 340.51 feet; thence N01°34'02"E, 33.02 feet to the south line of the Southwest 1/4, of said Section 9; thence N89°28'36"E along said south line, 30.59 feet to the east line of said Southwest 1/4 of the Southwest 1/4, thence N00°32'30"E along said east line and the east line of the said NW 1/4 of the SW 1/4, 2009.03 feet; thence N89°57'41"W, 528.95 feet; thence N00°24'49"E, 628.10 feet to the southerly right of way of Anderson Road; thence along said right of way and the arc of a curve concaved northeasterly having a radius of 418.28 feet and a long chord bearing N74°40'57"W, a distance of 61.14 feet; thence continue along said right of way N70°29'18"W, 7.45 feet; thence S00°24'49"W, 696.38 feet; thence S89°59'50"W, 590.83 feet to the easterly right of way of U.S. Highway 51; thence along said right of way for the next 6 courses, S00°22'21"W, 297.32 feet; thence S01°06'23"E, 180.06 feet; thence S06°07'16"W, 172.04 feet; thence S00°37'55"W, 457.86 feet; thence

S00°34'06"W, 629.43 feet; thence S08°12'02"E, 176.48 feet to the northerly right of way of Hoepker Road; thence S00°31'24"E, 60.00 feet to the point of beginning. Said Parcel contains 2,424,882 square feet, or 55.67 acres or 0.09 square miles, more or less."

2. Subsection (145) of Section 15.02 entitled "Wards and Ward Boundaries" of the Madison General Ordinances is created to read as follows:

"(145) Ward 145. Commencing at the Southwest corner of said Section 9; thence N89°28'36"E along the south line of said SW 1/4, 150.47 feet to the point of beginning. Thence continue N89°28'36"E, 798.95 feet along said south line; thence S01°34'11"W, 40.57 feet to the southerly right of way of Hoepker Road; thence N88°12'25"E along said right of way, 340.51 feet; thence N01°34'02"E, 33.02 feet to the south line of the Southwest 1/4, of said Section 9; thence N89°28'36"E along said south line, 30.59 feet to the east line of said Southwest 1/4 of the Southwest 1/4, thence N00°32'30"E along said east line and the east line of the said NW 1/4 of the SW 1/4, 2009.03 feet; thence N89°57'41"W, 528.95 feet; thence N00°24'49"E, 628.10 feet to the southerly right of way of Anderson Road; thence along said right of way and the arc of a curve concaved northeasterly having a radius of 418.28 feet and a long chord bearing N74°40'57"W, a distance of 61.14 feet; thence continue along said right of way N70°29'18"W, 7.45 feet; thence S00°24'49"W, 696.38 feet; thence S89°59'50"W, 590.83 feet to the easterly right of way of U.S. Highway 51; thence along said right of way for the next 6 courses, S00°22'21"W, 297.32 feet; thence S01°06'23"E, 180.06 feet; thence S06°07'16"W, 172.04 feet; thence S00°37'55"W, 457.86 feet; thence S00°34'06"W, 629.43 feet; thence S08°12'02"E, 176.48 feet to the northerly right of way of Hoepker Road; thence S00°31'24"E, 60.00 feet to the point of beginning. Polling place at Eastside Lutheran, 2310 Independence Lane."

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

"(17) Seventeenth Aldermanic District. Wards 21, 22, 23, 24, 25, 26, 126, 136, and 142, and 145."

4. Map Amendment 00369 of Section 28.022 of the Madison General Ordinances is hereby created to zone the following described property to IL (Industrial - Limited) District:

"All of Lot 2, Certified Survey Map No. 9690, recorded in Vol. 56 of Certified Surveys, Pgs. 38-42, and part of Hoepker Road located in part of the SW 1/4 and NW 1/4 of the SW 1/4 of Section 9, and part of the NW 1/4 of the NW 1/4 of Section 16, T8N, R10E, Town of Burke, Dane County, Wisconsin, being more particularly described as follows:

Commencing at the Southwest corner of said Section 9; thence N89°28'36"E along the south line of said SW 1/4, 150.47 feet to the point of beginning. Thence continue N89°28'36"E, 798.95 feet along said south line; thence S01°34'11"W, 40.57 feet to the southerly right of way of Hoepker Road; thence N88°12'25"E along said right of way, 340.51 feet; thence N01°34'02"E, 33.02 feet to the south line of the Southwest 1/4, of said Section 9; thence N89°28'36"E along said south line, 30.59 feet to the east line of said Southwest 1/4 of the Southwest 1/4, thence N00°32'30"E along said east line and the east line of the said NW 1/4 of the SW 1/4, 2009.03 feet; thence N89°57'41"W, 528.95 feet; thence N00°24'49"E, 628.10 feet to the southerly right of way of Anderson Road; thence along said right of way and the arc of a curve concaved northeasterly having a radius of 418.28 feet and a long chord bearing N74°40'57"W, a distance of 61.14 feet; thence continue along said right of way N70°29'18"W, 7.45 feet; thence S00°24'49"W, 696.38 feet; thence S89°59'50"W, 590.83 feet to the easterly right of way of U.S. Highway 51; thence along said right of way for the next 6 courses, S00°22'21"W, 297.32 feet; thence S01°06'23"E, 180.06 feet; thence S06°07'16"W, 172.04 feet; thence S00°37'55"W, 457.86 feet; thence S00°34'06"W, 629.43 feet; thence S08°12'02"E, 176.48 feet to the northerly right of way of Hoepker Road; thence S00°31'24"E, 60.00 feet to the point of beginning. Said Parcel contains 2,424,882 square feet, or 55.67 acres or 0.09 square miles, more or less."

5. 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.