

The State of Wisconsin

Office of the Secretary of State

C-199

City of Middleton

County of Dane

Annexation & Plat Map

Filed September 30, 2008

MIDDLETON COMMON COUNCIL MINUTES

City Council Chambers
Tuesday September 16, 2008 7:30 PM

DOUGLAS LA FOLLETTE
SECRETARY OF STATE

Mayor Sonnentag convened the Council meeting at 7:40 p.m.

SEP 30 2008

Present: Brar, DiPiazza, Wexler, Teal, West, Hilbert, Leo, Hoeksema

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Approval of Council Minutes

Moved by Wexler, seconded by DiPiazza, to approve the Council minutes of September 2, 2008 as presented. Motion carried, 8-0.

Approval of Bills

Moved by Wexler, seconded by DiPiazza, to approve the September 16, 2008 bills. Motion carried, 8-0.

Public Hearings – 7:45 p.m. – Vacation of Loki Court and a Portion of Misty Valley Drive

Mayor Sonnentag opened the public hearing at 7:50 p.m. on the vacation of Loki Court and a portion of Misty Valley Drive.

No comments were heard.

Mayor Sonnentag declared the hearing closed at 7:50 p.m.

Public Hearings – 7:46 p.m. – Class “B” Fermented Malt Beverages and Class “B” Intoxicating Liquor License Request for GarrGanntuan Ventures, LLC d/b/a SCATZ Sports Bar & Nightclub, 2248 Deming Way, Middleton WI

Mayor Sonnentag opened the public hearing at 7:50 p.m. on the fermented malt beverage and intoxicating liquor license request for GarrGanntuan Ventures, LLC d/b/a SCATZ Sports Bar & Nightclub, 2248 Deming Way, Middleton, WI.

No comments were heard.

Mayor Sonnentag declared the hearing closed at 7:50 p.m.

Ordinance Annexing Merry Acres Property

Moved by Wexler, seconded by DiPiazza, to approve the ordinance annexing Merry Acres property. Motion carried 8-0.

Ordinance Annexing Ziegler Property

Moved by Wexler, seconded by Hilbert, to approve the ordinance annexing Ziegler property. Motion carried, 8-0.

Settlement Agreement with Old Vine

Moved by Wexler, seconded by DiPiazza, to approve the settlement agreement with Old Vine. Motion carried, 8-0.

Award of Quote – Quarry Skate Park Improvements

Moved by Leo, seconded by Wexler, to approve the proposal from Joe Daniels Construction for improvements to Quarry Skate Park improvements at a cost not to exceed \$9,767. Motion carried, 8-0.

Award of Quote – Firefighters Memorial Park Path Paving

Moved by Leo, seconded by Teal, to award JSD Professional Services asphalt paving work at Firefighters Memorial at a cost not to exceed \$23,8171. Motion carried, 8-0.

Award of Quote – Pheasant Branch Trail & Bridge Construction Administration Services

Moved by Teal, seconded by Leo, to approve a contract with Schreiber Anderson at a cost not to exceed \$18,500 for Pheasant Branch Trail & Bridge Construction administration services. Motion carried, 6-1, Brar opposed.

Class “B” Fermented Malt Beverages and Class “B” Intoxicating Liquor License Request for GarrGanntuan Ventures, LLC d/b/a SCATZ Sports Bar & Nightclub, 2248 Deming Way, Middleton, WI

Moved by Leo, seconded by Hilbert, to grant a Class “B” Fermented Malt Beverage and Class “B” Intoxicating Liquor License request for GarrGanntuan Ventures, LLC d/b/a SCATZ Sports Bar & Nightclub, 2248 Deming Way, Middleton, WI as recommended by the License & Ordinance Committee. Motion carried, 7-0.

Ordinance to Amend Sec. 15.04(2) Graber Road Parking Restrictions

Moved by Leo, seconded by Hilbert, to approve the ordinance restricting parking on Graber Road as recommended by the License and Ordinance Committee and the City Engineer. Motion carried, 7-0.

Request for Exemption to Ordinance 9.02 Regarding Water Service – Schink Daycare, 6818 University Avenue

Moved by Teal, seconded by DiPiazza, to approve the request for exemption to Ordinance regarding water service for Schink Daycare, 6818 University Avenue, as recommended by Public Works Committee. Motion carried, 7-0.

Request for Proposals – University Avenue BUILD Project

Moved by Wexler, seconded by DiPiazza, to approve the request for proposal, University Avenue BUILD project subject to revisions and clarification in the scope of work, and the City providing \$6,000 in work elements. Motion carried, 7-0.

Resolution 2008-28, Redevelopment Area #3 Project Plan

Moved by Wexler, seconded by DiPiazza, to approve Resolution 2008-28, redevelopment area #3 project plan. Motion carried 8-0.

Resolution 2008-26, Approving Tax Increment Dist. No. 4 Boundary & Project Plan

Moved by Wexler, seconded by Hoeksema, to approve Resolution 2008-26, approving tax increment dist. No. 4 boundary & project plan. Motion carried, 7-1, Brar no.

Resolution 2008-27, Resolution Creating Tax Increment District No. 4

Moved by Wexler, seconded by DiPiazza, to approve Resolution 2008-27, creating tax increment district no. 4. Motion carried, 7-1, Brar no.

Resolution 2008-29, Petitioning the WI Secretary of Transportation for Airport Improvement Aid for Planning, Design, and Construction Activities

Moved by Wexler, seconded by Teal, to approve Res. 2008-29, petitioning the WI Secretary of Transportation for airport improvement aid for planning, design, and construction activities. Motion carried, 8-0.

Resolution 2008-30, Resolution Requesting Exemption from County Library Tax

Moved by Hilbert, seconded by Teal, to approve Resolution 2008-30, requesting exemption from County Library Tax. Motion carried, 8-0.

Resolution 2008-31, Resolution Discontinuing Loki Court and a Portion of Misty Valley Drive

Moved by Wexler, seconded by Brar, to approve Resolution 2008-31, discontinuing Loki Court and a Portion of Misty Valley Drive. Motion carried, 5-3, Hilbert, West, Teal no.

Adjournment

Moved by Wexler, seconded by Teal, to adjourn this meeting at 8:22 p.m. Motion carried, 7-0.

Timothy R. Studer
Deputy City Clerk

DOUGLAS LA FOLLETTE
SECRETARY OF STATE

SEP 30 2008

STATE OF WISCONSIN
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**AN ORDINANCE ANNEXING LANDS FROM THE
TOWN OF SPRINGFIELD
TO THE CITY OF MIDDLETON
PURSUANT TO Wis. Stats. § 66.0272(2)
(Graber Highlands)**

The Common Council of the City of Middleton do ordain as follows:

WHEREAS, the City has previously purchased the former _____ property and desires to annex a portion of to the City of Middleton, Wisconsin, pursuant to Wis. Stats. § 66.0217(2), the property to be annexed being legally described on Exhibit "A" and depicted on the scale map as shown the Exhibit "C" attached hereto; and

WHEREAS, an annexation petition, being duly circulated, has been signed by the owners of all the real property with such territory and all of the electors residing in said territory; and

WHEREAS, Wis. Stats. § 66.0217(2) allows for the petition to be filed without a notice of intention to circulate in an annexation by unanimous approval; and

WHEREAS, said annexation petition together with a description of the territory to be annexed and a scale map showing the boundaries of such territory and its relation to the municipalities involved, having been filed with the City Clerk of the City of Middleton and the Town of Springfield; and

WHEREAS, a copy of said annexation petition together with a description of the territory to be annexed and a scale map having been mailed to the affected municipal and school district clerks and the Director of the Municipal Boundary Review of the State of Wisconsin, Department of Administration within five (5) days of the filing of said petition; and

WHEREAS, not more than one hundred twenty (120) days have lapsed since the filing of the annexation petition; and

WHEREAS, the Director of the Municipal Boundary Review of the State of Wisconsin, Department of Administration has issued an opinion that the annexation is not contrary to the public interest; and

WHEREAS, the petitioners have requested that the annexation ordinance temporarily designate the classification of the annexed area for zoning purposes as shown on Exhibit "B" attached hereto;

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Lawrence E. Bechler
Murphy Desmond S.C.
P.O. Box 2038
Madison, WI 53701-2038

Tax Parcel No.
056-0808-353-9840-8
056-0808-354-9000-3
056-0808-353-8340-5
056-0808-353-9500-9

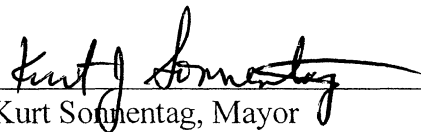
NOW, THEREFORE, the above-described property is hereby annexed from the Town of Springfield, in the Middleton-Cross Plains Area School District, Ward 3, County Supervisor District 29, Assembly District 81 and Senate District 27, to the City of Middleton, and is located in the Middleton-Cross Plains Area School District, Ward 14, County Supervisor District 29, Assembly District 81 and Senate District 27 with a population of zero.

BE IT FURTHER RESOLVED that the above-described property is zoned as shown on Exhibit "B" attached hereto,

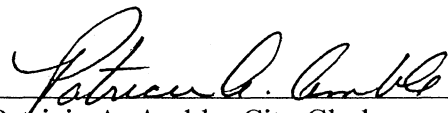
This Ordinance shall take effect upon its passage and publication.

Adopted on roll call at a regular meeting of the Common Council of the City of Middleton held on the 16th day of September, 2008.

APPROVED:


Kurt Sonntag, Mayor

ATTEST:


Patricia A. Amble, City Clerk

Ayes: 8
Noes: 0
Adopted: 9/16/08
Published: 10/1/08

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ANNEXATION DESCRIPTION

Part of the Northeast Quarter (1/4) of the Southwest Quarter (1/4), also part of the Southeast Quarter (1/4) of the Southwest Quarter (1/4), also part of the Southwest Quarter (1/4) of the Southeast Quarter (1/4), all in Section 35, Township 08 North, Range 08 East, Town of Springfield, Dane County, Wisconsin, more fully described as follows:

The Southwest Quarter (1/4) of the Southeast Quarter (1/4) of said Section 35. EXCEPTING THEREFROM lands conveyed to the City of Middleton in Volume 824 of Deeds, Page 579, as Document Number 1170627, Dane County Registry, being more fully described as follows: Beginning at the Southeast corner of the Southwest Quarter (1/4) of the Southeast Quarter (1/4) of said Section 35; thence North along the East line of said Southwest Quarter (1/4) of the Southeast Quarter (1/4) of said Section 35, 761.0 feet; thence West along a line parallel with the South line of said Southwest Quarter (1/4) of the Southeast Quarter (1/4), 500.0 feet; thence South parallel with the East line of said Southwest Quarter (1/4) of the Southeast Quarter (1/4), 500.0 feet; thence southwesterly 386 feet more or less to a point on the South line of said Southwest Quarter (1/4) of the Southeast Quarter (1/4) which is 785.0 feet West of the point of beginning; thence East along said South line of the Southwest Quarter (1/4) of the Southeast Quarter (1/4), 785.0 feet to the point of beginning. TOGETHER WITH a parcel of land located in the Southwest Quarter (1/4) of said Section 35 being more fully described as follows: Beginning at the Southeast corner of said Southwest Quarter (1/4) of Section 35; thence North two (2) rods; thence West to the centerline of U.S. Highway 12; thence southerly along the centerline of said highway to the South section line of said Section 35; thence East long said section line to the place of beginning.

TOGETHER WITH a parcel of land located in the East One-Half (1/2) of the Southwest Quarter (1/4) of aforementioned Section 35 being more fully described as follows: Commencing at the South Quarter (1/4) corner of said Section 35; thence North 00 degrees 23 minutes 39 seconds West, 33.00 feet to the point of beginning; thence South 88 degrees 53 minutes 39 seconds West, 373.79 feet to the easterly right-of-way line of U.S. Highway 12; thence North 06 degrees 41 minutes 05 seconds West along said easterly right-of-way, 504.16 feet to a point of curve; thence northwesterly along said easterly right-of-way on a curve to the right which has a radius of 3786.49 feet and a chord which bears North 02 degrees 11 minutes 05 seconds West, 594.17 feet; thence North 02 degrees 18 minutes 55 seconds East along said easterly right-of-way 324.70 feet to a point of curve; thence northwesterly along said easterly right-of-way on a curve to the left which has a radius of 988.00 feet and a chord which bears North 14 degrees 05 minutes 57 seconds West, 558.38 feet to the centerline of Greenbriar Road; thence northeasterly along the centerline of said Greenbriar Road on a curve to the right which has a radius of 680.00 feet and a chord which bears North 67 degrees 28 minutes 45 seconds East, 270.49 feet to a point of reverse curve, thence northeasterly along said centerline of Greenbriar Road on a curve to the left which has a radius of 385.00 feet and a chord which bears North 64 degrees 56 minutes 02 seconds East, 186.51 feet; thence North 50 degrees 55 minutes 00 seconds East, 185.07 feet; thence South 00 degrees 23 minutes 39 seconds East, 2252.61 feet to the point of beginning. Subject to an easement across the northerly 33 feet thereof for Greenbriar Road.

EXCEPTING THEREFROM lands conveyed to the Wisconsin Department of Transportation in Award of Damages recorded as Document Number 3519536.

This description contains 44.7 acres and is referenced to recorded documents.

DOUGLAS LA FOLLETTE
SECRETARY

SEP 30 2008

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AUG 13 2008

MUNICIPAL BOUNDARY REVIEW

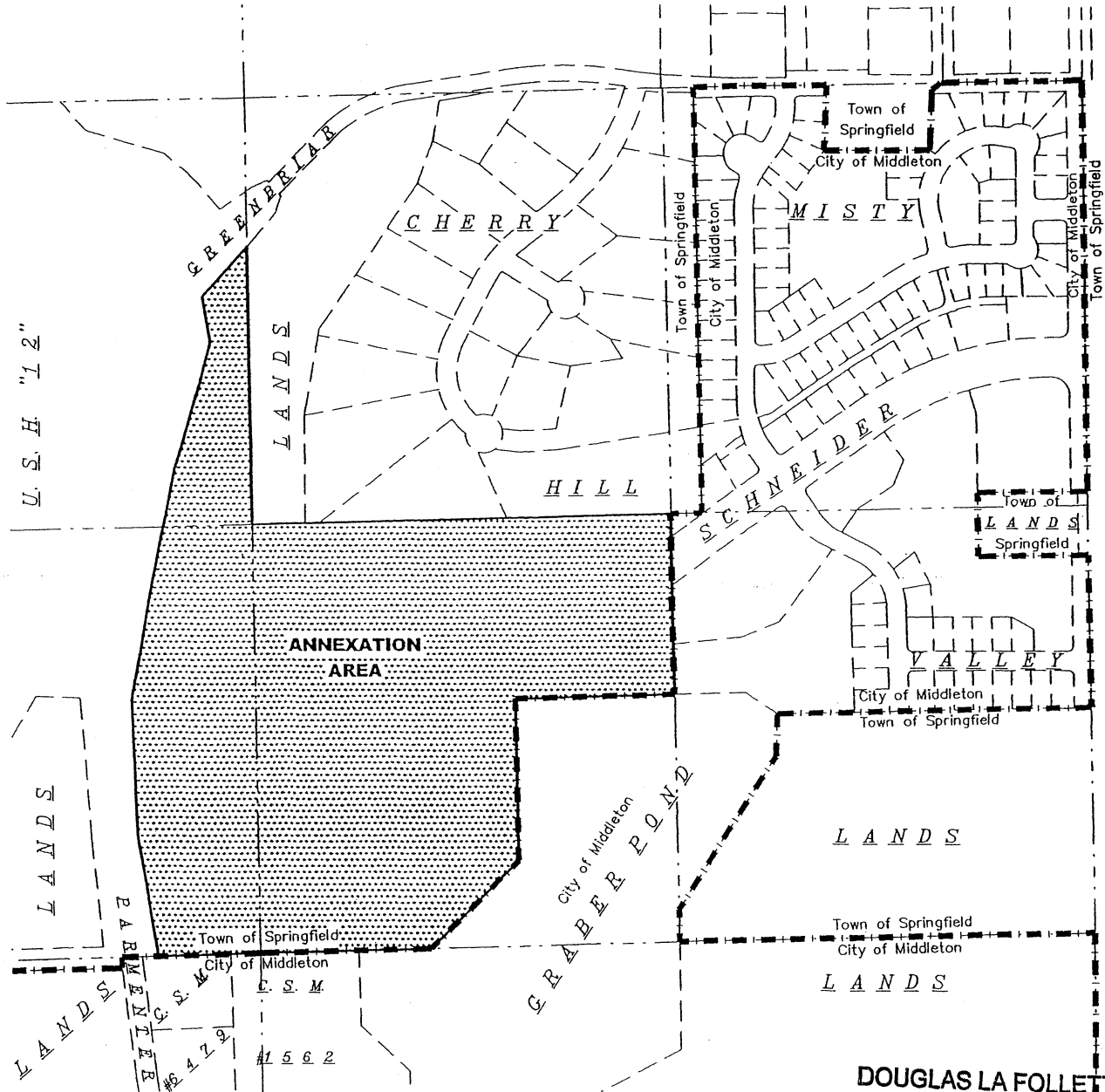
KEY

--- CITY OF MIDDLETON LIMITS LINE

[Stippled Area] ANNEXATION AREA AND BOUNDARY

ORDINANCE No. _____
FILE No. _____
DATE ADOPTED _____
DATE PUBLISHED _____

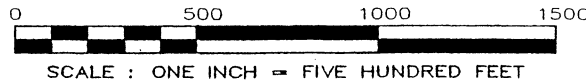
ALD. DISTRICT ANNEXED TO _____
AREA 44.7 ACRES OR .07 SQ. MI.



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Calkins Engineering, LLC
Civil Engineers & Land Surveyors

ANNEXATION TO THE CITY OF MIDDLETON
EXHIBIT A

DATE: 05-08-2008

REVISIONS:

Calkins Engineering, LLC
5010 Vogel Road
Madison, WI 53718
(608) 838-0444