



OFFICE OF THE CITY CLERK

300 East Main Street
Sun Prairie, WI 53590-2227
(608) 837-2511
FAX (608) 825-6879
Website www.cityofsunprairie.com


I, Diane J. Hermann-Brown, City Clerk, of the City of Sun Prairie, hereby certify:

ORDINANCE #646
Adopted – June 21, 2016

“Ordinance approving a Petition for Voluntary Attachment of approximately 31.46 acres located on the east side of Grand Avenue and north of Brooks Drive, Town of Burke, Dane County, Wisconsin.”

has been compared by me with the original Ordinance and is on file in my office and now in my legal custody. I further certify that this copy is a true and correct copy of the original Ordinance and hasn't been revoked.

In witness whereof, I sign at my office in Dane County, Wisconsin on September 16, 2016.


Diane J. Hermann-Brown, CPM, MMC, WCPC
City of Sun Prairie, City Clerk

(SEAL)



City of Sun Prairie, Wisconsin

AN ORDINANCE APPROVING A PETITION FOR VOLUNTARY ATTACHMENT OF APPROXIMATELY 31.46 ACRES LOCATED ON THE EAST SIDE OF GRAND AVENUE AND NORTH OF BROOKS DRIVE, TOWN OF BURKE, DANE COUNTY, WISCONSIN.

Presented: June 21, 2016

Adopted: June 21, 2016

Published: June 28, 2016

File Number: 12,581

Ordinance No.: #646

ORDINANCE

WHEREAS, On May 2, 2016, Brooks, Inc., along with Continental 345 Fund, LLC filed a petition for voluntary attachment of approximately 29.56 acres of land located on the east side of Grand Avenue and north of Brooks Drive, along with approximately 1.9 acres of Grand Avenue Right of Way adjacent to the subject property, all in the Town of Burke, Dane County, Wisconsin; and,

WHEREAS, the proposed area for attachment is located within the Boundary Adjustment Area – Sun Prairie, of the Final Town of Burke, Village of DeForest, City of Sun Prairie and City of Madison Cooperative Plan (hereinafter, the Burke Cooperative Plan); and,

WHEREAS, said Burke Cooperative Plan was adopted under Section 66.0307 Wis. Stats.; and

WHEREAS, the proposed area for attachment is located within the City of Sun Prairie Urban Service Area (USA); and,

WHEREAS, the proposed area for attachment is located in an area that can be served by public sanitary sewer and public water service; and,

WHEREAS, at the time of the filing of the subject attachment petition there were no electors residing within the territory proposed to be annexed; and,

WHEREAS, the proposed area for attachment is located within the following voting districts: Sun Prairie Aldermanic District 3; Dane County Supervisory District 21; State Assembly District 79; State Senate District 27; and the Sun Prairie Area School District.

NOW, THEREFORE, the Common Council of the City of Sun Prairie, Dane County, Wisconsin, do ordain as follows:

SECTION 1: TERRITORY ATTACHED. In accordance with Burke Cooperative Plan and the Petition for Attachment filed with the City Clerk on May 2, 2016, under Case No. PC16-2372 and signed by all of the owners of land in the territory, the following described territory in the Town of Burke, Dane County, Wisconsin is attached to the City of Sun Prairie, Wisconsin:

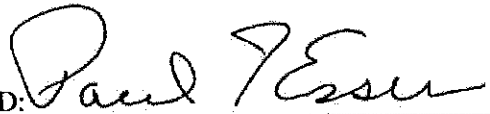
Lot 2 of Certified Survey Map No. 14161, part of Brooks Drive and part of South Grand Avenue, being part of the Northwest 1/4 of the Southwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 12, Township 8 North, Range 10 East, in the Town of Burke, Dane County, Wisconsin, bounded and described as follows: Commencing at the Northwest corner of the Southwest 1/4 of said Section; thence North 87°31'26" East along the North line of said 1/4 Section 33.06 feet to the point of beginning of lands to be described; thence North 01°09'55" East 766.09 feet to a point; thence North 87°43'34" East 67.12 feet a point on the East line of South Grand Avenue (C.T.H. C), and the centerline of South City Station Drive; thence South 01°09'55" West along said East line 765.85 feet to Northwest corner of Lot 1 of Certified Survey Map No. 14161; thence South 01°09'37" West continuing along said East line 178.20 feet to a point; thence Southwesterly 92.83 feet along said East line and the arc of a curve whose center lies to the Northwest, whose radius is 1422.21 feet and whose chord bears South 03°01'47" West 92.81 feet to the Southwest corner of said Lot 1; thence North 89°25'06" East along said South line 159.38 feet to a point; thence Southeasterly 231.37 feet along said South line and the arc of a curve whose center lies to the Southwest, whose radius is 989.00 feet and whose chord bears South 83°52'47" East 230.84 feet to a point; thence Northeasterly 903.00 feet along said South line and the arc of a curve whose center lies to the Northwest, whose radius is 990.00 feet and whose chord bears North 76°41'29" East 872.03 feet to a point; thence South 01°18'33" West 812.73 feet to a point on the North line of Lot 2 of Certified Survey Map No. 10689; thence South 87°43'03" West along said North line 342.60 feet to a point on the West line of said Lot 2; thence South 01°18'33" West along said West line 353.71 feet to a point; thence South 02°17'22" East 105.15 feet to a point on the South line of Brooks Drive as described in document no. 3974382; thence South 87°42'38" West along said South line 358.22 feet to a point; thence South 44°26'07" West along said South line 19.30 feet to a point; thence South 88°25'17" West 237.05 feet to a point on said South line; thence North 85°19'14" West along said South line 110.00 feet to a point; thence South 88°25'18" West along said South line 224.83 feet to a point; thence South 54°08'50" West along said South line 21.29 feet to a point; thence North 01°09'37" East 1419.65 feet to the point of beginning. Containing 1,370,462 square feet or 31.4615 acres. Parcel Identification Number: 014/0810-122-9181-0 and part of 014/0810-123-8501-0

SECTION 2: EFFECT OF ATTACHMENT. From and after the date of this ordinance, the territory described in Section 1 shall be a part of the City of Sun Prairie, at and for any and all purposes provided by law and all persons coming or residing within such territory shall be subject to all ordinances, rules, and regulations of the City of Sun Prairie.

SECTION 3: ZONING. The applicant had filed a General Development Plan (GDP)/Precise Implementation Plan (PIP) in conjunction with this Attachment under Case File No. PC16-2363. From and after the date of this ordinance, the territory described in Section 1 shall be zoned Rural Holding (RH-35), until such time that the conditions of approval for PC16-2363 are met, after which the property described in Section 1 shall be zoned Planned Development, pursuant to City of Sun Prairie Ordinance.

SECTION 4: ALDERMANIC DESIGNATION. From and after the date of this ordinance, unless revised by future ordinance, the territory described in Section 1 is hereby made a part of the 3rd Aldermanic District, Ward 22, of the City of Sun Prairie, subject to the ordinances, rules, and regulations of the governing wards.


SECTION 5: SEVERABILITY. If any provision of this ordinance is found to be invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or application of this ordinance which can be given effect without the invalid or unconstitutional provisions or application.

APPROVED: 
Paul T. Esser, Mayor

Date Approved: June 21, 2016

Date Signed: June 22 2016

This is to certify that the foregoing ordinance was approved by the Common Council of the City of Sun Prairie at a meeting held on the 21st day of June, 2016, and was submitted for signatures on the 22nd day of June, 2016.


Diane J. Hermann-Brown, City Clerk

PROOF OF PUBLICATION

STATE OF WISCONSIN

County of Dane

} ss.

Chris Drake, being duly sworn, both depose and say that he is the Business Manager of The Star, a newspaper published at the City of Sun Prairie, in the County of Dane, State of Wisconsin, and that an advertisement of which the annexed is a true copy, taken from said paper, was published therein on

June 28, 2016

(Signed) [Signature]

Subscribed and sworn before me this 29th day of June, 2016

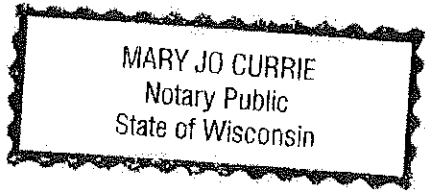
Mary Jo Currie
Notary Public, State of Wisconsin

My Commission expires 12-15, 2018

No. Lines 257 No. Times 1 Affidavit Fees \$ 1.00

Printers Fees \$ 94.83

Total \$ 95.83



City of Sun Prairie, Wisconsin
Presented: June 21, 2016
Adopted: June 21, 2016
Published: June 28, 2016
File Number: 12,581
Ordinance No.: #646
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ORDINANCE

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WHEREAS, the proposed area for attachment is located within the Boundary Adjustment Area - Sun Prairie, of the Final Town of Burke, Village of DeForest, City of Sun Prairie and City of Madison Cooperative Plan (hereinafter, the Burke Cooperative Plan); and,
WHEREAS, said Burke Cooperative Plan was adopted under Section 66.0307 Wis. Stats.; and
WHEREAS, the proposed area for attachment is located within the City of Sun Prairie Urban Service Area (USA); and,
WHEREAS, the proposed area for attachment is located in an area that can be served by public sanitary sewer and public water service; and,
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A
APPROVED:
Paul T. Esser, Mayor
Date Approved: June 21, 2016
This is to certify that the foregoing ordinance was approved by the Common Council of the City of Sun Prairie at a meeting held on the 21st day of June, 2016, and was submitted for signatures on the 22nd day of June, 2016.
Diane J. Hermann-Brown,
City Clerk
PUB. The Star: June 28, 2016
WNAXLP

PETITION FOR INTERMEDIATE ATTACHMENT
TO THE CITY OF SUN PRAIRIE, WISCONSIN

In accordance with Sections 9 and 10 of the Final Town of Burke, Village of DeForest, City of Sun Prairie and City of Madison Cooperative Plan dated January 5, 2007 (the "Cooperative Plan") and Wis. Stat. sec. 66.0307, the undersigned, being the sole owner of the real property described below, hereby petitions the Honorable Mayor and members of the Common Council of the City of Sun Prairie to detach the following described real property from the Town of Burke, Wisconsin, and attach the same to the City of Sun Prairie, Wisconsin, consistent with the terms of the Cooperative Plan:

That certain real property legally described on Exhibit A attached hereto and incorporated herein, being part of the Northwest 1/4 of the Southwest 1/4 of Section 12, Township 8 North, Range 10 East, Town of Burke, Dane County, Wisconsin (the "Property").

A scale map that accurately reflects the location and legal description of the Property to be attached, surrounding properties and the boundary of the attaching City of Sun Prairie and that includes a graphic scale on the face of the map is attached. The area of the Property includes 29.5599 acres. The number of people residing in the Property is zero (0), and the sole owner of the Property is executing this petition.

The zoning classification of the Property shall be Planned Development to construct a 228-unit multi-family development consisting of three 16-unit buildings and nine 20-unit buildings.


This attachment shall be effective immediately upon adoption of an Attachment Ordinance by the City of Sun Prairie.

Signature of Owner:

BROOKS INC.

BY

Its

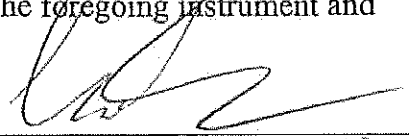


Pres.

STATE OF WISCONSIN)
) SS
COUNTY OF _____)

Personally came before me this 3rd day of May, 2016, the above named Lewis R. Brooks, the President of Brooks Inc., to me known to be the person who executed the foregoing instrument and acknowledged the same.




Print Name: Lewis F. Brooks
Notary Public, State of Wisconsin
My Commission: Never expires

Owner's Name and
Mailing Address:

Brooks Inc.
P.O. Box 9
Sun Prairie, WI 53590

Telephone Number and
Email Address of Owner:

608-837-5141
lewbrooks@brookstractor.com

Agent for Owner:

Sara Johnson
Continental 345 Fund LLC
W134 N8675 Executive Parkway
Menomonee Falls, WI 53590

Telephone Number and
Email Address of Agent
for Owner:

262-502-5500
sjohnson@cproperties.com

cc City of Sun Prairie Clerk, 300 East Main Street, Sun Prairie, WI 53590
Town of Burke Clerk, 5365 Reiner Road, Madison, WI 53718

EXHIBIT A:
LEGAL DESCRIPTION
&
ATTACHMENT MAP

ATTACHMENT MAP

EXHIBIT B

NW COR. OF
OF NW 1/4
SEC. 12-8-10

EXISTING
MUNICIPAL
BOUNDARY
LINE

CITY OF SUN PRAIRIE

TOWN OF BURKE

N87°43'34"E
67.12'

N01°09'55"E 766.09'

S01°09'55"W 765.85'

P.O.B.

N87°31'26"E
33.06'

P.O.C.
NW COR. OF SW 1/4
SEC. 12-8-10, FOUND
3/4" IRON ROD

W. LINE OF SW 1/4 SEC. 12-8-10

S. GRAND AVE. (C.T.H. C)
VARIABLE WIDTH PUBLIC R.O.W.

N01°09'37"E 1419.65'

LOT 1
CSM 9502

CITY OF SUN PRAIRIE

TOWN OF BURKE

SW COR. OF SW 1/4
SEC. 12-8-10, FOUND
ALUMINUM MON.

S88°25'18"W
224.83'

N85°19'14"W
110.00'

S88°25'17"W
237.05'

S44°26'07"W
19.30'

S87°42'38"W
358.22'

S54°08'50"W
21.29'

S88°25'18"W
224.83'

N85°19'14"W
110.00'

S88°25'17"W
237.05'

S44°26'07"W
19.30'

S87°42'38"W
358.22'

S02°17'22"E
105.151'

S01°18'33"W
353.71'

S87°43'03"W
342.60'

TOWN OF BURKE

PART OF LOT 2
CSM 10689

PART OF LOT 2
CSM 10689

LOT 1
CSM 10689

UNPLATTED LANDS

TOWN OF BURKE

CITY OF SUN PRAIRIE

S01°18'33"W 812.73'

LOT 1
CSM 13622

CITY OF SUN PRAIRIE

LOT 1
CSM 13421

PARCEL A
AREA
1,370,462 sq.ft.
31.4615 acres

TOWN OF BURKE

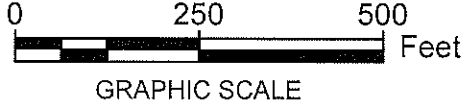
CB=S03°01'47"W
CH=92.81'
R=1422.21'
L=92.83'

LOT 1
CSM 14161 CB=N76°41'29"E
CH=872.03'
R=990.00'
L=903.00'

CB=S83°52'47"E
CH=230.84'
R=989.00'
L=231.37'

N89°25'06"E
159.38'

S01°09'37"W
178.20'



R.A. Smith National, Inc.

*Beyond Surveying
and Engineering*

16745 W. Bluemound Road, Brookfield WI 53005
262-781-1000 Fax 262-797-7373 www.rasmithnational.com
Appleton, WI Irvine, CA Pittsburgh, PA

S:\5166687\Dwg\PX201L250.dwg
PX201L250.dwg/SHEET 1

ATTACHMENT MAP

EXHIBIT B

Lot 2 of Certified Survey Map No. 14161, part of Brooks Drive and part of South Grand Avenue, being part of the Northwest 1/4 of the Southwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 12, Township 8 North, Range 10 East, in the Town of Burke, Dane County, Wisconsin, bounded and described as follows:

Commencing at the Northwest corner of the Southwest 1/4 of said Section; thence North $87^{\circ}31'26''$ East along the North line of said 1/4 Section 33.06 feet to the point of beginning of lands to be described; thence North $01^{\circ}09'55''$ East 766.09 feet to a point; thence North $87^{\circ}43'34''$ East 67.12 feet a point on the East line of South Grand Avenue (C.T.H. C), and the centerline of South City Station Drive; thence South $01^{\circ}09'55''$ West along said East line 765.85 feet to Northwest corner of Lot 1 of Certified Survey Map No. 14161; thence South $01^{\circ}09'37''$ West continuing along said East line 178.20 feet to a point; thence Southwesterly 92.83 feet along said East line and the arc of a curve whose center lies to the Northwest, whose radius is 1422.21 feet and whose chord bears South $03^{\circ}01'47''$ West 92.81 feet to the Southwest corner of said Lot 1; thence North $89^{\circ}25'06''$ East along said South line 159.38 feet to a point; thence Southeasterly 231.37 feet along said South line and the arc of a curve whose center lies to the Southwest, whose radius is 989.00 feet and whose chord bears South $83^{\circ}52'47''$ East 230.84 feet to a point; thence Northeasterly 903.00 feet along said South line and the arc of a curve whose center lies to the Northwest, whose radius is 990.00 feet and whose chord bears North $76^{\circ}41'29''$ East 872.03 feet to a point; thence South $01^{\circ}18'33''$ West 812.73 feet to a point on the North line of Lot 2 of Certified Survey Map No. 10689; thence South $87^{\circ}43'03''$ West along said North line 342.60 feet to a point on the West line of said Lot 2; thence South $01^{\circ}18'33''$ West along said West line 353.71 feet to a point; thence South $02^{\circ}17'22''$ East 105.15 feet to a point on the South line of Brooks Drive as described in document no. 3974382; thence South $87^{\circ}42'38''$ West along said South line 358.22 feet to a point; thence South $44^{\circ}26'07''$ West along said South line 19.30 feet to a point; thence South $88^{\circ}25'17''$ West 237.05 feet to a point on said South line; thence North $85^{\circ}19'14''$ West along said South line 110.00 feet to a point; thence South $88^{\circ}25'18''$ West along said South line 224.83 feet to a point; thence South $54^{\circ}08'50''$ West along said South line 21.29 feet to a point; thence North $01^{\circ}09'37''$ East 1419.65 feet to the point of beginning.

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June 6, 2016

Survey No. 166687-RMK

R.A. Smith National, Inc.

*Beyond Surveying
and Engineering*

16745 W. Bluemound Road, Brookfield WI 53005
262-781-1000 Fax 262-797-7373 www.rasmithnational.com
Appleton, WI Irvine, CA Pittsburgh, PA

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PX201L250.dwg\SHEET 2

SHEET 2 OF 2