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05/02/2019

Municipal Boundary Review
Wisconsin Dept. of Admin.**Office of the Madison City Clerk**210 Martin Luther King, Jr. Boulevard, Room 103, Madison, WI 53703-3342
PH: 608 266 4601 • TDD: 608 266 6573 • FAX: 608 266 4666

May 2, 2019

Wisconsin Department of Administration
Municipal Boundary Review
PO Box 1645
Madison, WI 53701-1645

Dear MBR Team:

ORDINANCE NO. 19-00027
ID NO. 54789
Hooper Corporation Attachment

I, Maribeth Witzel-Behl, City Clerk of the City of Madison, County of Dane, State of Wisconsin, pursuant to the City of Madison, Town of Burke Cooperative Plan, DO HEREBY CERTIFY adoption of attachment Ordinance No. 19-00027, ID No. 54789 on April 16, 2019; thereby attaching territory from the Town of Burke and attaching same to the City of Madison.

A certified copy of Ordinance No. 19-00027 which contains an accurate metes and bounds description of the territory so affected is attached and the population identified in the attached territory is zero (0).

Sincerely,

Handwritten signature of Maribeth Witzel-Behl in cursive script.
Maribeth Witzel-Behl
City Clerk

MWB:eac

Wisconsin DOA, MBR Team

cc:

Dane County Register of Deeds
Clerk, Town of Burke

AT&T (email)
Madison Metropolitan School District (email)
Middleton School District (email)
Verona School District (email)
MG&E – Gas & Electric (email)
Tim Parks, Planning & Development Unit (email)
City Streets Department – West (email)
City Assessor, Maureen Richards (email)
Jeff Quamme, City Engineering (email)
John Leach, Traffic Engineering (email)
Gregg Knudtson, Fire Department (email)
Heather Stouder, Planning Unit (email)
Dane County Clerk, Scott McDonell (email)
Capital Area Regional Planning Commission, Linda Firestone (email)
Dane County Planning & Development, Jim Czaplicki (email)
Dane County Tax Lister, Jim Czaplicki (email)
Dane County EMS, J. Timothy Hillebrand (email)
Dane County Public Safety Communications, Randy Forrand (email)
Madison Area Metropolitan Planning Organization (email)
Madison Metropolitan Sewer District, Curt Sauser (email)
Charter Communications, Marj Ihssen (email)
City Clerk file (scan & attach)

Document Number

Document Title

ATTACHMENT ORDINANCE

This is to certify that the foregoing ordinance was adopted by the Common Council of the City of Madison, Wisconsin at a meeting held on the 16th day of April, 2019.

Hooper Corporation Attachment
Ordinance #: ORD-19-00027
ID#: 54789

KRISTI CHLEBOWSKI
DANE COUNTY
REGISTER OF DEEDS

DOCUMENT #
5484330
04/30/2019 01:48 PM
Trans Fee:
Exempt #:
Rec. Fee: 30.00
Pages: 59

Recording Area

Name and Return Address

City Clerk
210 Martin Luther King Jr. Blvd.
Room 103
Madison, WI 53703

Parcel Identification Number (PIN)

April 30, 2019
Date

Maribeth Witzel-Behl
Signature of Clerk

Maribeth Witzel-Behl, City Clerk
*Name printed

Date

n/a
Signature of Grantor

*Name printed

STATE OF WISCONSIN, County of Dane

This document was drafted by:
(print or type name below)

Eric Christianson

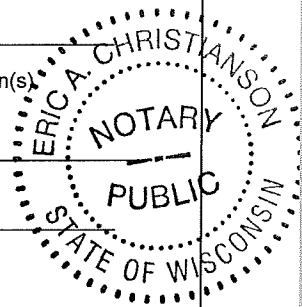
Subscribed and sworn to before me on April 30, 2019 by the above named person(s)

Signature of notary or other person
authorized to administer an oath
(as per s. 706.06, 706.07) [Signature]

Print or type name: Eric Christianson

Title: Certified Municipal Clerk Date commission expires: 3/27/2022

*Names of persons signing in any capacity must be typed or printed below their signature.



This information must be completed by submitter: document title, name & return address, and PIN (if required). Other information such as the granting clauses, legal description, etc., may be placed on this first page of the document or may be placed on additional pages of the document. Note: Use of this cover page adds one page to your document and \$2.00 to the recording fee. Wisconsin Statutes, 59.43(2m). USE BLACK INK. WRDA 5/1999



City of Madison

City of Madison
Madison, WI 53703
www.cityofmadison.com

Certified Copy

Ordinance: ORD-19-00027

File Number: 54789

Enactment Number: ORD-19-00027

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.

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.

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 17th 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.

I, City Clerk Maribeth Witzel-Behl, certify that this is a true copy of Ordinance No. 19-00027, adopted by the Madison Common Council on April 16, 2019.

Maribeth Witzel-Behl

4-30-2019
Date Certified



WILLIAMSON SURVEYING & ASSOCIATES, LLC

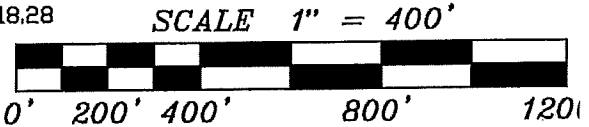
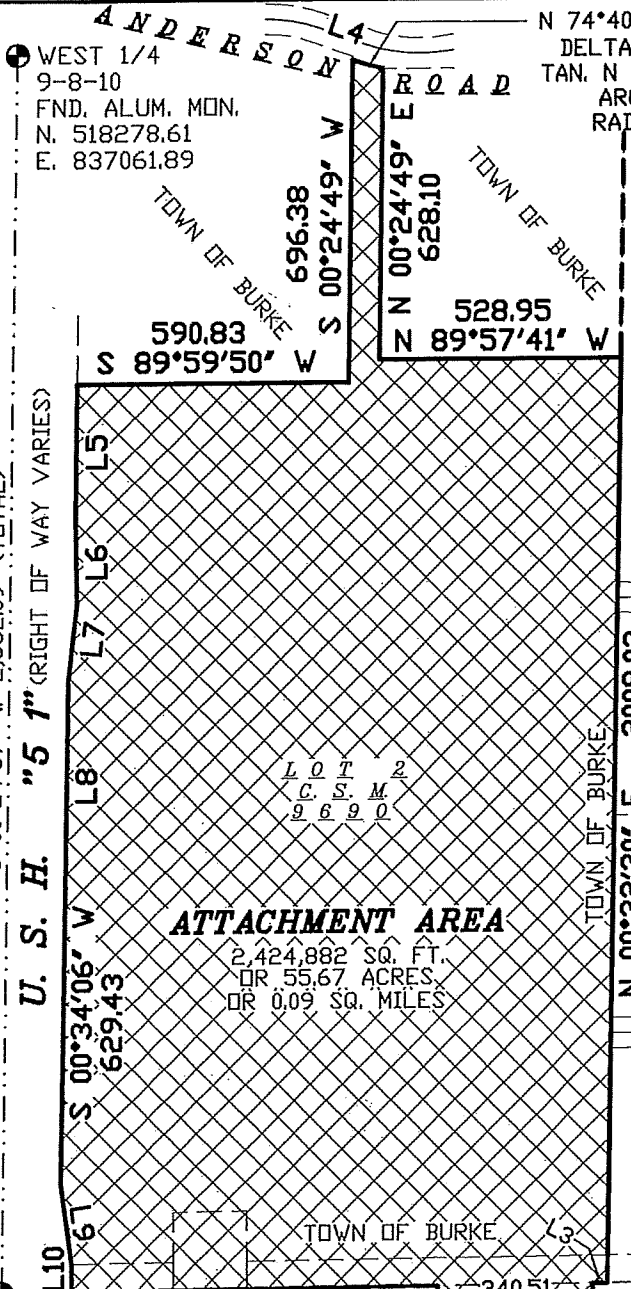
104 A WEST MAIN STREET, WAUNAKEE, WISCONSIN, 53597.

NDA T. PRIEVE & CHRIS W. ADAMS
PROFESSIONAL LAND SURVEYORS

PHONE: 608-255-5705 FAX: 608-849-9760 WEB: WILLIAMSONSURVEYING.COM

ATTACHMENT MAP

EXHIBIT "A"



LINE TABLE

LINE #	BEARING	DISTANCE
L1	S 01°34'11" W	40.57
L2	N 01°34'02" E	33.02
L3	N 89°28'36" E	30.59
L4	N 70°29'18" W	7.45
L5	S 00°22'21" W	297.32
L6	S 01°06'23" E	180.06
L7	S 06°07'16" W	172.04
L8	S 00°37'55" W	457.86
L9	S 08°12'02" E	176.48
L10	S 00°31'24" E	60.00

LOT 1
C.S.M.
1 3 9 1 7

MANUFACTURERS DRIVE

LOT 1
C.S.M.
1 4 6 4 8

LOT 2
C.S.M.
9 6 9 0

ATTACHMENT AREA

2,424,882 SQ. FT.
OR 55.67 ACRES,
OR 0.09 SQ. MILES

WCCS - DANE COUNTY ZONE
BEARINGS ARE REFERENCED TO THE
WEST LINE OF THE WEST 1/4 WHICH
BEARS S 00°24'57" W

SOUTH
9-

FND. BRASS
N. 515620.71
E. 839683.08

SW CORNER
9-8-10
FND. ALUM. MON.
N. 515596.59
E. 837042.43

HOEPEKER

ROAD

TOTAL SECTION LINE = N 89°28'36" E 2640.76'

LOCATION:

A parcel of land 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, all in T8N, R10E, Town of Burke, Dane County, Wisconsin, including all of Lot 2, Certified Survey Map No. 9690, Vol. 56, Pgs 38-42.

SHEET 1 OF 2
JOB NO: 18W-463

NOTE: PLEASE BE ADVISED THAT THE DOCUMENT GRANTOR(S) HEREBY DIRECT VIEWERS TO IGNORE THE PRINTED TEXT MATERIAL ON THIS MAP. ONLY THE SPATIAL RELATIONSHIPS OF THE ILLUSTRATIONS ON THE MAP ARE BEING PRESENTED FOR YOUR INFORMATION.

Maribeth Witzel-Behl

Signed by grantor(s) or grantor(s) agent:
Name of grantor(s) or grantor(s) agent printed: Maribeth Witzel-Behl

Date: April 30, 2019



WILLIAMSON SURVEYING & ASSOCIATES, LLC

104 A WEST MAIN STREET, WAUNAKEE, WISCONSIN, 53597.

NOA T. PRIEVE & CHRIS W. ADAMS

PROFESSIONAL LAND SURVEYORS

PHONE: 608-255-5705 FAX: 608-849-9760 WEB: WILLIAMSONSURVEYING.COM

ATTACHMENT MAP

DESCRIPTION:

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, all in T8N, R10E, Town of Burke, Dane County, Wisconsin, being more particularly described as follows:

Commencing at the Southwest corner of said Section 9; thence N 89°28'36" E along the south line of said Southwest 1/4, 150.47 feet to the point of beginning.

thence continue N 89°28'36" E, 798.95 feet along said south line; thence S 01°34'11" W, 40.57 feet to the southerly right of way of Hoepker Road; thence N 88°12'25" E along said right of way, 340.51 feet; thence N 01°34'02" E, 33.02 feet to the south line of the Southwest 1/4, of said Section 9; thence N 89°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 N 00°32'30" E along said east line and the east line of the said Northwest 1/4 of the Southwest 1/4, 2009.03 feet; thence N 89°57'41" W, 528.95 feet; thence N 00°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 N 74°40'57" W, a distance of 61.14 feet; thence continue along said right of way N 70°29'18" W, 7.45 feet; thence S 00°24'49" W, 696.38 feet; thence S 89°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, S 00°22'21" W, 297.32 feet; thence S 01°06'23" E, 180.06 feet; thence S 06°07'16" W, 172.04 feet; thence S 00°37'55" W, 457.86 feet; thence S 00°34'06" W, 629.43 feet; thence S 08°12'02" E, 176.48 feet to the northerly right of way of Hoepker Road; thence S 00°31'24" E, 60.00 feet to the point of beginning. This description contains 55.67 acres including road right of way over the most southerly part thereof.

SHEET 2 OF 2
JOB NO: 18W-463

**EARLY ATTACHMENT AND MUNICIPAL REVENUE SHARING AGREEMENT
FOR THE HOEPKER ROAD PROJECT**
Between the City of Madison and the Town of Burke

THIS AGREEMENT, made and entered into by and between the City of Madison, a Wisconsin municipal corporation with offices at 210 Martin Luther King, Jr. Blvd., Madison, Wisconsin 53703 ("City"), and the Town of Burke ("Town"), a Wisconsin municipal corporation with offices at 5365 Reiner Rd., Madison, Wisconsin 53718, is effective as of the date by which both parties have signed hereunder.

RECITALS

WHEREAS, pursuant to Wis. Stat. § 66.0307, the City, the Town, the City of Sun Prairie and the Village of DeForest entered into a Cooperative Plan (the "Cooperative Plan") related to boundary lines and other municipal issues among themselves, which Cooperative Plan was approved on May 4, 2007, by the State of Wisconsin Department of Administration; and,

WHEREAS, under the Cooperative Plan the City and the Town agreed that no attachments or annexations of Town lands in certain specified "Protected Areas" would occur to the City prior to final attachment at the end of the protected period on October 27, 2036, except upon approval of such attachment by the Town; and,

WHEREAS, the owner of the Town parcels located at 4202 and 4210 Hoepker Rd. (collectively, the "Town Parcels") has expressed an interest in combining the Town Parcels with adjacent lands located in the City of Madison for the purposes of the development of a large industrial facility (the "Project"); and,

WHEREAS, the owner of the Town Parcels has been informed that in order to proceed with the Project that the Town parcels must be attached to the City; and,

WHEREAS, because the Town Parcels are in a protected area under the Cooperative Plan, in return for approving early attachment of the Town Parcels to the City for the purposes of the Project, the City and Town agree that municipal revenue sharing of the local share of property tax revenue from the Project is appropriate; and,

WHEREAS, pursuant to Wis. Stat. § 66.0301, Wisconsin municipalities are authorized to enter into intergovernmental agreements; and,

WHEREAS, it is in the best interests of the City and the Town to enter into this Agreement.

NOW THEREFORE, in consideration of the mutual promises and agreements of the City and the Town, the receipt and sufficiency of which is mutually acknowledged, the parties do hereby covenant and agree as follows:

1. Definitions. For the purposes of this Agreement, the following definitions shall apply:
 - (a) Agreement. This Early Attachment Agreement and Municipal Revenue Sharing Agreement for the Hoepker Road Project.
 - (b) City Lands. The City lands shall be those parcels and lands in the City as of the effective date of this Agreement which are combined with the Town Parcels for the purposes of the Project. It is expected that the City parcels will include some, or all of, the following:
 - i. Lots 1-4, 7-10 and 15 of the Interstate Commerce Park Plat, along with a portion of Commerce Park Drive that is expected to be vacated.
 - (c) Project. The Project shall include the Town Parcels and those City lands that are assembled for the purposes of the development of a large industrial facility. The final footprint of the Project shall be mutually agreed to by the City and the Town. It is not the intent of the City or the Town to include within the Project those City lands that may be part of the initial assemblage of lands but that do not ultimately make up the Project that includes the Town Parcels.
 - (d) Protected Period. Defined in Section 5.A. of the Cooperative Plan as the period between May 4, 2007 and October 27, 2036, or such earlier time when the Town ceases to exist as a separate entity.
 - (e) Town Parcels. The Town parcels consist of the following:
 - i. 4202 Hoepker Road, Tax Parcel ID No. 0810-093-8730-0.
 - ii. 4210 Hoepker Road, Tax Parcel ID No. 0810-093-9290-4.
2. Early Attachment Approved. As authorized by Section 9.B. of the Cooperative Plan and pursuant to the terms and conditions of this Agreement, the Town approves the attachment of the Town Parcels to the City prior to the end of the Protected Period. The owner of the Town Parcels and the City shall follow the procedures set forth in Sec. 10 of the Cooperative Plan to cause the Town Parcels to attach to the City.
3. Revenue Sharing. Upon attachment of the Town Parcels to the City, and during the Protected Period, the City agrees to make payments to the Town according to the provisions set forth below. Except as provided below, the City shall be solely entitled to all fees, assessments and revenues attributable to the Project and shall be responsible for providing all services to the Project. This revenue sharing agreement expires upon the end of the Protected Period.
4. Payment by City to Town. Within thirty (30) days following the end of each quarter (March 31, June 30, September 30 and December 31), the City shall pay to the Town one-half of the City's share of property taxes from the Project received by the City during the quarter. Provided, however, that in no event shall the City's payments to the Town under this paragraph in any year be less than the Town's local share of property taxes levied

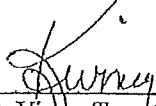
against the Town Parcels in the year of attachment. The revenue sharing between the City and the Town shall apply regardless of whether the Project, no development, or other development occurs on the Town Parcels after attachment.

5. Effect of City Action or Forbearance. If the City deliberately acts (or forbears to act) so as to reduce the revenues it would receive that are subject to sharing under this Agreement, then the amount due to the Town is one-half of what the City would have received (timely payments shall be assumed) if the City had not taken such deliberate action or forbearance.
6. No Third Party Beneficiary. This Agreement is intended to be solely between the City and the Town. Nothing in this Agreement accords any third party any legal or equitable rights whatsoever which may be enforced by any nonparty to this Agreement.
7. Amendment. This Agreement may be amended only by the written agreement of both of the parties hereto.
8. Enforcement. This Agreement shall be governed by the laws of the State of Wisconsin. Any act by either party in violation of this Agreement shall be remedied by the courts of the State of Wisconsin. This Agreement is intended to provide both parties with the right and standing to seek any available legal or equitable remedy to enforce or seek damages for the breach of this Agreement.
9. Binding Effect. The parties have entered into this Agreement under the authority of Wis. Stat. § 66.0301 and the Cooperative Plan. The parties agree that this Agreement shall be binding upon both parties.
10. Entire Agreement. This Agreement represents the entire integrated agreement between the parties with regards to the early attachment of the Town Parcels to the City and revenue sharing for the Project, and supersedes all prior negotiations, representations or agreements, either written or oral dealing with early attachment and revenue sharing related to the Town Parcels and the Project.
11. Severability. In the event that any portion of this Agreement is invalidated or held unenforceable by a court of competent jurisdiction, the other provisions of this Agreement will remain in full force and effect. Any provision of this Agreement held invalid or unenforceable only in part or degree will remain in full force and effect to the extent not held invalid or unenforceable. Notwithstanding anything in this Section 11 to the contrary, in the event a court of competent jurisdiction invalidated or held Section 4 to be unenforceable, the Parties shall negotiate an enforceable revenue sharing provision that provides the same financial benefit to the Town.
12. Non-Discrimination. In the performance of the services under this Agreement, the Parties agree not to discriminate against any employee or applicant for employment because of race, religion, marital status, age, color, sex, handicap, national origin or ancestry, income level or source of income, arrest record or conviction record, less than honorable discharge, physical appearance, sexual orientation, gender identity, political beliefs or student status. The Parties further agrees not to discriminate against any subcontractor or person who

offers to subcontract on this Agreement because of race, religion, color, age, disability, sex, sexual orientation, gender identity or national origin.

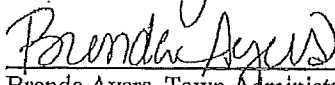
IN WITNESS WHEREOF, the parties hereto have caused the execution of this Agreement by authority of their respective governing bodies effective as of the date when all parties hereto have affixed their respective signatures.

FOR THE TOWN OF BURKE



Kevin Vinny, Town Chairman


12-19-2018
Date



Brenda Ayers, Town Administrator/Clerk

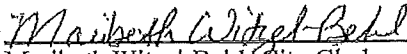
12-19-2018
Date

FOR THE CITY OF MADISON



Paul Soglin, Mayor

2-8-2019
Date

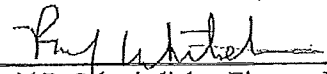


Maribeth Witzel-Behl, City Clerk

2-8-2019
Date

Countersigned:

Approved as to form:



for David P. Schmiedicke, Finance Director

2-8-19
Date



for Michael P. May, City Attorney

2/8/19
Date

Execution of this Agreement by Madison is authorized by Resolution Enactment No. RES 19-00107, ID No. 53924, adopted by the Common Council of the City of Madison on February 5, 2019.

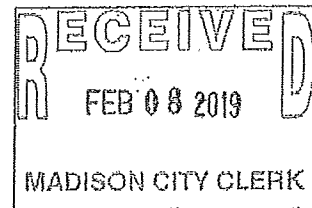
KUTSUNIS LAW OFFICE, LLC

1001 N. Gammon Rd., Suite 3 | Middleton, Wisconsin 53562
Phone: (608) 833-8030 | Fax: (608) 833-8070

February 8, 2019

City of Madison - City Clerk's Office
210 Martin Luther King Jr. Blvd.
Room 103, City-County Building
Madison, WI 53703

Brenda Ayers, Administrator/Clerk/Treasurer
Town of Burke
5365 Reiner Road
Madison, WI 53718



Re: Petition for Attachment for 4202 and 4210 Hoepker Road

Dear City Clerk and Town Clerk:

Enclosed with this letter is a Petition for Attachment relating to the real property with the street addresses of 4202 and 4210 Hoepker Road, having Parcel Identification Numbers of 014/0810-093-8730-0 and 014/0810-093-9290-4, and located in the Town of Burke, County of Dane, State of Wisconsin.

Please call me if you have any questions.

Respectfully submitted,

KUTSUNIS LAW OFFICE, LLC

By:

A handwritten signature in black ink, appearing to read "William R. Kutsunis".

William R. Kutsunis, Attorney

Enclosure

9-10

PETITION FOR ATTACHMENT

Hooper Corporation, a Wisconsin corporation ("Petitioner"), with a mailing address of 2030 Pennsylvania Avenue, Madison, Wisconsin 53704, hereby petitions the City of Madison for attachment as follows:

1) Petitioner is the owner of the real property with street addresses of 4202 and 4210 Hoepker Road, having Parcel Identification Numbers of 014/0810-093-8730-0 and 014/0810-093-9290-4, and located in the Town of Burke, County of Dane, State of Wisconsin (the "Petitioner's Property"). Adjacent to the Petitioner's Property is a portion of the Hoepker Road right of way located within the Town of Burke. The Petitioner's Property together with the adjacent portion of the Hoepker Road right of way are more particularly described and depicted in Exhibit "A" attached hereto and incorporated herein by reference (collectively, the "Property").

2) The Town of Burke and the City of Madison are entering into an Early Attachment and Revenue Sharing Agreement for the 4202-4210 Hoepker Road Project agreeing to and approving the early attachment of the Petitioner's Property to the City of Madison.

3) Petitioner hereby petitions and requests that the Property described in Exhibit "A" attached hereto be attached to the City of Madison, which Property is also depicted in Exhibit "A" attached hereto (SHEET 1 OF 2 contains a scale map showing the boundaries of the Property and the relationship of the Property to the City of Madison).

4) The Property to be attached (including a portion of the Hoepker Road right of way) consists of approximately 2,424,882 square feet, approximately 55.67 acres or approximately 0.09 square miles of land.

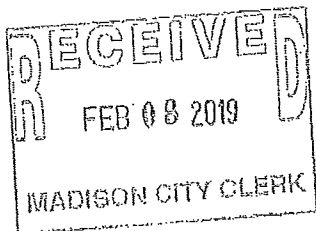
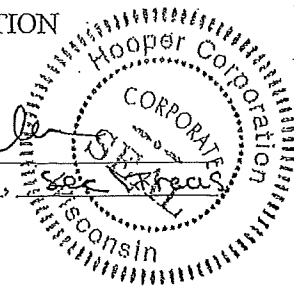
5) The current population of the Petitioner's Property is zero. There are no buildings located on the Petitioner's Property.

6) Petitioner requests that the Petitioner's Property be attached with permanent zoning and in the Industrial - Limited District (IL), which is the same zoning as most of the adjoining lands located in the City of Madison.

Dated this 29th day of January, 2019.

HOOPER CORPORATION

By: Robert Scheller
Robert Scheller





WILLIAMSON SURVEYING & ASSOCIATES, LLC

104 A WEST MAIN STREET, WAUNAKEE, WISCONSIN, 53597.

NOA T. PRIEVE & CHRIS W. ADAMS

PROFESSIONAL LAND SURVEYORS

PHONE: 608-255-5705 FAX: 608-849-9760 WEB: WILLIAMSONSURVEYING.COM

ATTACHMENT MAP

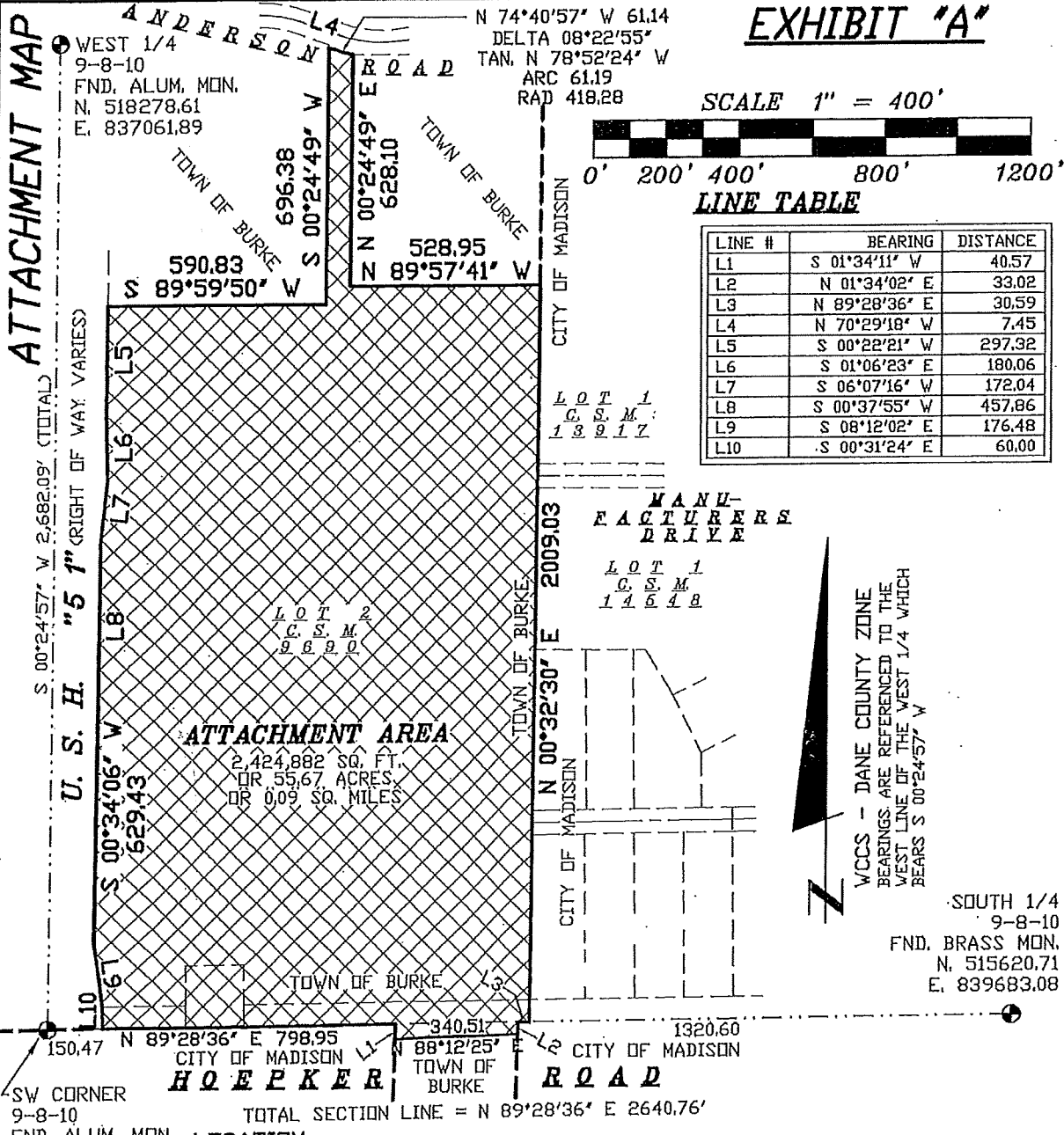
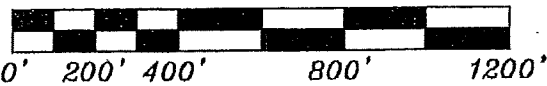


EXHIBIT "A"

SCALE 1" = 400'



LINE TABLE

LINE #	BEARING	DISTANCE
L1	S 01°34'11" W	40.57
L2	N 01°34'02" E	33.02
L3	N 89°28'36" E	30.59
L4	N 70°29'18" W	7.45
L5	S 00°22'21" W	297.92
L6	S 01°06'23" E	180.06
L7	S 06°07'16" W	172.04
L8	S 00°37'55" W	457.86
L9	S 08°12'02" E	176.48
L10	S 00°31'24" E	60.00

MANUFACTURERS DRIVE

LOT 1
C.S.M.
14648

LOT 2
C.S.M.
9690

ATTACHMENT AREA

2,424,882 SQ. FT.
OR 55.67 ACRES
OR 0.09 SQ. MILES

WCCS - DANE COUNTY ZONE
BEARINGS ARE REFERENCED TO THE
WEST LINE OF THE WEST 1/4 WHICH
BEARS S 00°24'57" W

SOUTH 1/4
9-8-10
FND. BRASS MON.
N. 515620.71
E. 839683.08

SW CORNER
9-8-10
FND. ALUM. MON.
N. 515596.59
E. 837042.43

TOTAL SECTION LINE = N 89°28'36" E 2640.76'

LOCATION:
A parcel of land 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, all in T8N, R10E, Town of Burke, Dane County, Wisconsin, including all of Lot 2, Certified Survey Map No. 9690, Vol. 56, Pgs 38-42.

SHEET 1 OF 2
JOB NO: 18W-463

NOTE: PLEASE BE ADVISED THAT THE DOCUMENT GRANTOR(S) HEREBY DIRECT VIEWERS TO IGNORE THE PRINTED TEXT MATERIAL ON THIS MAP. ONLY THE SPATIAL RELATIONSHIPS OF THE ILLUSTRATIONS ON THE MAP ARE BEING PRESENTED FOR YOUR INFORMATION.

Signed by grantor(s) or grantor(s) agent: *Maribeth Witzel-Behl*

Name of grantor(s) or grantor(s) agent printed: Maribeth Witzel-Behl

Date: April 30, 2019

9-10

Annexation/ Attachment Worksheet

[Final, 19 April 2019]



	<i>Comment 1</i>	<i>Comment 2</i>
Petition Name:	Hooper Corporation Attachment	
Dane County Address:	4202 and 4210 Hoepker Road	
Township:	Burke	
Parcel Numbers:	014/0810-093-8730-0 and 014/0810-093-9290-4	
Date Filed with City Clerk:	8 February 2019	
Date Accepted:	8 February 2019	
Date Filed with Town:	8 February 2019	
Dept. of Administration Review:	None; Cooperative Plan	
Property Owner(s)		
<i>Name:</i>	Hooper Construction Corporation	
<i>Address:</i>	2030 Pennsylvania Avenue Madison, WI 53707	
Representative (if any)		
<i>Name:</i>	Bill Kutsunis Kutsunis Law Office, LLC	
<i>Address:</i>	1001 N. Gammon Road, Suite 3 Middleton, WI 53562	
Surveyor		
<i>Name:</i>	Chris Adams Williamson Surveying & Associates, LLC	
<i>Address:</i>	104A W. Main Street Waunakee, WI 53597	
County Zoning of Annexed Land:	A-1 and C-2	
Existing Use(s) of Annexed Land:	Undeveloped agricultural land and billboard	
City Land Use Plan:	Comprehensive Plan (2018) – Industrial Hanson NDP (2000) – Light Industrial	
Zoning Upon Annexation:	IL – Industrial–Limited District [Permanent]	
CUSA Status:	In CUSA	
Madison Metropolitan Sewerage District Status:	In MMSD	
Environmental Corridors:	None	
Square-Footage of Annexation:	2,424,882	
Acreage of Annexation:	55.67	
Square-Mileage of Annexation:	0.09	

Dwelling Units:	0		
Population:	0		
Electors:	0		
Tax Information by Parcel/Year	2018		
	8730-0	9290-4	
<i>Assessed Land Value:</i>	\$99,400.00	\$57,200.00	
<i>Ass. Improvement Value:</i>	\$95,200.00	\$0.00	
<i>Total Assessed Value:</i>	\$194,600.00	\$57,200.00	
Total Taxes for Year: (2018)	\$3,121.05	\$917.40	
<i>State of Wisconsin</i>	\$0.00	\$0.00	
<i>Dane County</i>	\$735.00	\$216.04	
<i>Town of Burke</i>	\$402.21	\$118.23	
<i>School District</i>	\$1,786.40	\$525.09	
<i>Madison Area Technical College</i>	\$197.44	\$58.04	
Special Assessment:	\$0.00	\$17.34	
Aldermanic District:	17 – Baldeh		
Ward:	145 [NEW]		
Polling Place:	Eastside Lutheran – 2310 Independence Lane		
Supervisory District:	21		
Assembly District:	79		
Senate District:	27		
School District(s):	DeForest Area School District (1316)		
Electricity:	Madison Gas & Electric Company (MG&E)		
Gas:	MG&E		
Trash Day:	5-B (Wednesday)		
Telephone:	AT&T		
Petition Before Council:	26 February 2019 (ID 54320)	<i>Accepted:</i> 5 March 2019	
Plan Commission Date:	25 March 2019 (for zoning)		
Common Council			
<i>Introduction:</i>	26 February 2019		
<i>Adoption:</i>	16 April 2019		
Ordinance Number (ID):	19-00027 (ID 54789)		
Effective Date:	22 April 2019		
Legal Description:	<p>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:</p> <p>Commencing at the Southwest corner of said Section 9; thence N 89°28'36" E along the south line of said Southwest 1/4, 150.47 feet to the point of beginning. Thence continue N 89°28'36" E, 798.95 feet along said south line; thence S 01°34'11" W, 40.57 feet to the southerly right of way of Hoepker Road;</p>		

thence N 88°12'25" E along said right of way, 340.51 feet; thence N 01°34'02" E, 33.02 feet to the south line of the Southwest 1/4, of said Section 9; thence N 89°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 N 00°32'30" E along said east line and the east line of the said Northwest 1/4 of the Southwest 1/4, 2009.03 feet; thence N 89°57'41" W, 528.95 feet; thence N 00°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 N 74°40'57" W, a distance of 61.14 feet; thence continue along said right of way N 70°29'18" W, 7.45 feet; thence S 00°24'49" W, 696.38 feet; thence S 89°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, S 00°22'21" W, 297.32 feet; thence S 01°06'23" E, 180.06 feet; thence S 06°07'16" W, 172.04 feet; thence S 00°37'55" W, 457.86 feet; thence S 00°34'06" W, 629.43 feet; thence S 08°12'02" E, 176.48 feet to the northerly right of way of Hoepker Road; thence S 00°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.