



OF THE CITY CLERK  
**OFFICE OF THE CITY CLERK**

300 East Main Street  
Sun Prairie, WI 53590-2227  
(608) 837-2511

May 13, 2019

Ordinance #766/McCoy Trust Attachment

To whom it may concern,

Enclosed please find a copy of the Ordinance for voluntary attachment (annexation) of approximately 110.6 acres of land to the City of Sun Prairie from the Town of Burke.

The current population of the above lands as set forth in the annexation proceedings are zero (0).

This attachment was approved by the Sun Prairie Common Council on April 16, 2019, Ordinance #766 in accordance with S.S. 66.0307. This ordinance was published on April 19, 2019 and became effective on April 20, 2019.

If you have any questions, please feel free to contact me.

Sincerely,

  
Elena Hilby, WCMC, CPM  
City Clerk

ORD11006

**RECEIVED**

May 15, 2019

Municipal Boundary Review  
Wisconsin Dept. of Admin.

**ATTACHMENT**

ORDINANCE #766 APPROVING A PETITION FOR VOLUNTARY ANNEXATION (ATTACHMENT) OF APPROXIMATELY 110.6 ACRES OF LAND LOCATED SOUTH OF USH 151 AND WEST OF CLARMAR DRIVE FROM THE TOWN OF BURKE INTO THE CITY OF SUN PRAIRIE, FOR RESIDENTIAL DEVELOPMENT AND CONTINUED AGRICULTURAL USE

The aforementioned lands being described as:

Being a part of the NE1/4 of the NE1/4 of Section 13, the SE1/4 of the SE1/4, the NE1/4 of the SE1/4, the NW1/4 of the SE1/4 and the SW1/4 of the NE1/4 of Section 12, T8N, R10E, Town of Burke, Dane County, Wisconsin described as follows: Beginning at the northeast corner of said Section 13; thence S01°00'37"W, 811.62 feet along the east line of the NE1/4 of said Section 13; thence S87°42'13"W, 1333.64 feet parallel to the north line of the NE1/4 of said Section 13 to a point on the east line of First Addition to Smith's Crossing; thence N01°03'31"E, 811.69 feet along said east line; thence N01°21'42"E, 1339.01 feet along said east line to the northeast corner of said First Addition to Smith's Crossing; thence S87°25'43"W, 1319.46 feet along the north line of said First Addition to Smith's Crossing; thence S88°00'09"W, 749.16 feet along said north line to the southeasterly right-of-way line of USH "151", also being the northwesterly right-of-way line of McCoy Road; thence N42°15'02"E, 1874.41 feet along said southeasterly right-of-way line to a point on the south line of the SW1/4 of the NE1/4 of said Section 12; thence N87°30'47"E, 91.70 feet along said south line to a point on the southeasterly right-of-way line of McCoy Road; thence N42°12'12"E, 18.86 feet along said southeasterly right-of-way line; thence S47°47'48"E, 5.00 feet along said southeasterly right-of-way line to a point on the northwesterly line of Lot 2, Certified Survey Map No. 2017; thence S36°19'37"E, 10.90 feet along the southwesterly line of said Lot 2; thence N87°34'45"E, 725.04 feet along the south line of said Lot 2 and the easterly extension thereof to the northwest corner of Prairie Fields; thence S01°23'03"W, 1248.90 feet along the west line of said Prairie Fields, the west line of Lot 1, Certified Survey Map No. 8811 and the west right-of-way line of O'Keeffe Avenue; thence N87°35'52"E, 120.26 feet to a point on the west line of Lot 4, Certified Survey Map No. 8355; thence S01°25'24"W, 90.11 feet along said west line; thence N87°36'37"E, 1213.26 feet along the south line of Lots 3 and 4, said Certified Survey Map No. 8355 to a point on the west line of Hunter's Ridge; thence S01°23'39"W, 564.97 feet along said west line to the southwest corner of Lot 26, said Hunter's Ridge; thence S01°22'00"W, 776.26 feet to the point of beginning. Containing 4,820,245square feet (110.66 acres).

Return to:

City of Sun Prairie  
City Clerk's Office  
300 East Main Street  
Sun Prairie, WI 53590

Parcel Identification No.

0810-123-8320-2  
0810-124-8500-3  
0810-124-9500-1  
0810-131-8210-5  
0810-121-9290-9



THE CITY CLERK  
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300 East Main Street  
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(608) 837-2511  
FAX (608) 825-6879  
Website [www.cityofsunprairie.com](http://www.cityofsunprairie.com)

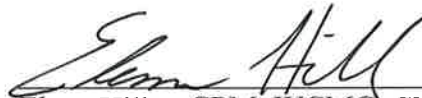
I, Elena Hilby, City Clerk, of the City of Sun Prairie, hereby certify:

ORDINANCE #766  
ADOPTED – APRIL 16, 2019

“ORDINANCE APPROVING A PETITION FOR VOLUNTARY ATTACHMENT (ANNEXATION)  
OF APPROXIMATELY 110.6 ACRES OF LAND LOCATED SOUTH OF USH 151 AND WEST OF  
CLARMAR DRIVE FROM THE TOWN OF BURKE INTO THE CITY OF SUN PRAIRIE, FOR  
RESIDENTIAL DEVELOPMENT AND CONTINUED AGRICULTURAL USE”

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 May 13, 2019.

  
\_\_\_\_\_  
Elena Hilby, CPM, WCMC, CMC  
City of Sun Prairie, City Clerk

(SEAL)

City of Sun Prairie, Wisconsin

**AN ORDINANCE APPROVING A PETITION FOR VOLUNTARY ATTACHMENT (ANNEXATION) OF APPROXIMATELY 110.6 ACRES OF LAND LOCATED SOUTH OF USH 151 AND WEST OF CLARMAR DRIVE FROM THE TOWN OF BURKE INTO THE CITY OF SUN PRAIRIE, FOR RESIDENTIAL DEVELOPMENT AND CONTINUED AGRICULTURAL USE.**

**MCCOY TRUST – “2019 ATTACHMENT”**

Presented: April 16, 2019

Adopted: April 16, 2019

Published: April 19, 2019

**Ordinance No.: #766**

**ORDINANCE**

**WHEREAS**, On February 25, 2019 McCoy Trust filed a petition for voluntary attachment of approximately 110.6 acres of land located south of USH 151 and west of Clarmar Drive 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), as amended by the Capital Area Regional Planning Commission (CARPC) on March 9, 2017; 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,

**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 February 25, 2019, under Case No. PC19-2684 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:



Being a part of the NE1/4 of the NE1/4 of Section 13, the SE1/4 of the SE1/4, the NE1/4 of the SE1/4, the NW1/4 of the SE1/4 and the SW1/4 of the NE1/4 of Section 12, T8N, R10E, Town of Burke, Dane County, Wisconsin described as follows: Beginning at the northeast corner of said Section 13; thence S01°00'37"W, 811.62 feet along the east line of the NE1/4 of said Section 13; thence S87°42'13"W, 1333.64 feet parallel to the north line of the NE1/4 of said Section 13 to a point on the east line of First Addition to Smith's Crossing; thence N01°03'31"E, 811.69 feet along said east line; thence N01°21'42"E, 1339.01 feet along said east line to the northeast corner of said First Addition to Smith's Crossing; thence S87°25'43"W, 1319.46 feet along the north line of said First Addition to Smith's Crossing; thence S88°00'09"W, 749.16 feet along said north line to the southeasterly right-of-way line of USH "151", also being the northwesterly right-of-way line of McCoy Road; thence N42°15'02"E, 1874.41 feet along said southeasterly right-of-way line to a point on the south line of the SW1/4 of the NE1/4 of said Section 12; thence N87°30'47"E, 91.70 feet along said south line to a point on the southeasterly right-of-way line of McCoy Road; thence N42°12'12"E, 18.86 feet along said southeasterly right-of-way line; thence S47°47'48"E, 5.00 feet along said southeasterly right-of-way line to a point on the northwesterly line of Lot 2, Certified Survey Map No. 2017; thence S36°19'37"E, 10.90 feet along the southwesterly line of said Lot 2; thence N87°34'45"E, 725.04 feet along the south line of said Lot 2 and the easterly extension thereof to the northwest corner of Prairie Fields; thence S01°23'03"W, 1248.90 feet along the west line of said Prairie Fields, the west line of Lot 1, Certified Survey Map No. 8811 and the west right-of-way line of O'Keefe Avenue; thence N87°35'52"E, 120.26 feet to a point on the west line of Lot 4, Certified Survey Map No. 8355; thence S01°25'24"W, 90.11 feet along said west line; thence N87°36'37"E, 1213.26 feet along the south line of Lots 3 and 4, said Certified Survey Map No. 8355 to a point on the west line of Hunter's Ridge; thence S01°23'39"W, 564.97 feet along said west line to the southwest corner of Lot 26, said Hunter's Ridge; thence S01°22'00"W, 776.26 feet to the point of beginning. Containing 4,820,245square feet (110.66 acres).

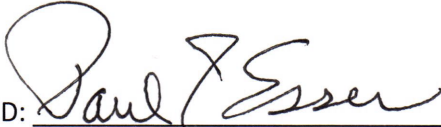
Parcel Identification Numbers: 0810-123-8320-2; 0810-124-8500-3; 0810-124-9500-1; 0810-131-8210-5; 0810-121-9290-9

**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.** From and after the date of this ordinance, the territory described in the SW1/4 of the NE1/4 and SE1/4 of the NW1/4 of Section 12 shall be zoned Rural Holding (RH-35ac), territory described in the SE1/4 of the SE1/4 of Section 12 shall be zoned Planned Development (PD), and territory described in the NE1/4 of the NE1/4 of Section 13 shall be zoned PD, until such time that a request to re-zone the subject property is approved by the City Council. Territory described for PD zoning will be subject to the General Development Plan standards as approved for the McCoy Addition to Smith's Crossing (PC18-2646).

**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 3<sup>rd</sup> Aldermanic District, Ward 24, of the City of Sun Prairie, Dane County Supervisory District 21, Assembly District 79, and Senate District 27 in accordance with attached exhibit A and 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: April 16, 2019

Date Signed: April 18, 2019

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 16<sup>th</sup> day of April, 2019, and was submitted for signatures on the 17<sup>th</sup> day of April, 2019.

  
Elena Hilby, City Clerk

PROOF OF PUBLICATION

STATE OF WISCONSIN }  
County of Dane } SS

Melissa Feiler being duly sworn, both depose and say that he is the Advertising Manager of The Sun Prairie 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

April 19, 2019  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Signed) Melissa Feiler

Subscribed and sworn before me this 20th day of April, 2019

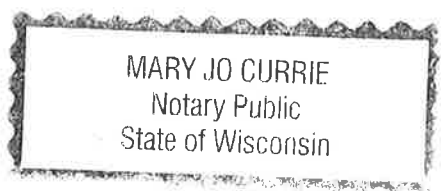
Mary Jo Currie  
Notary Public, State of Wisconsin

My Commission expires: December 15, 2022

Number of Lines: 183 Number of Times: 1

Affidavit Fees: \$1.00  
Printers Fees: \$126.14  
Total: \$127.14

409505 City of Sun Prairie Ordinance 766 6



City of Sun Prairie, Wisconsin  
AN ORDINANCE APPROVING A PETITION FOR VOLUNTARY ATTACHMENT (ANNEXATION) OF APPROXIMATELY 110.6 ACRES OF LAND LOCATED SOUTH OF USH 151 AND WEST OF CLARMAR DRIVE FROM THE TOWN OF BURKE INTO THE CITY OF SUN PRAIRIE, FOR RESIDENTIAL DEVELOPMENT AND CONTINUED AGRICULTURAL USE.  
MCCOY TRUST - "2019 ATTACHMENT"  
Presented: April 16, 2019  
Adopted: April 16, 2019  
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Ordinance No.: #766  
ORDINANCE  
WHEREAS, On February 25, 2019 McCoy Trust filed a petition for voluntary attachment of approximately 110.6 acres of land located south of USH 151 and west of Clarmar Drive 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), as amended by the Capital Area Regional Planning Commission (CARPC) on March 9, 2017; and,  
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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,  
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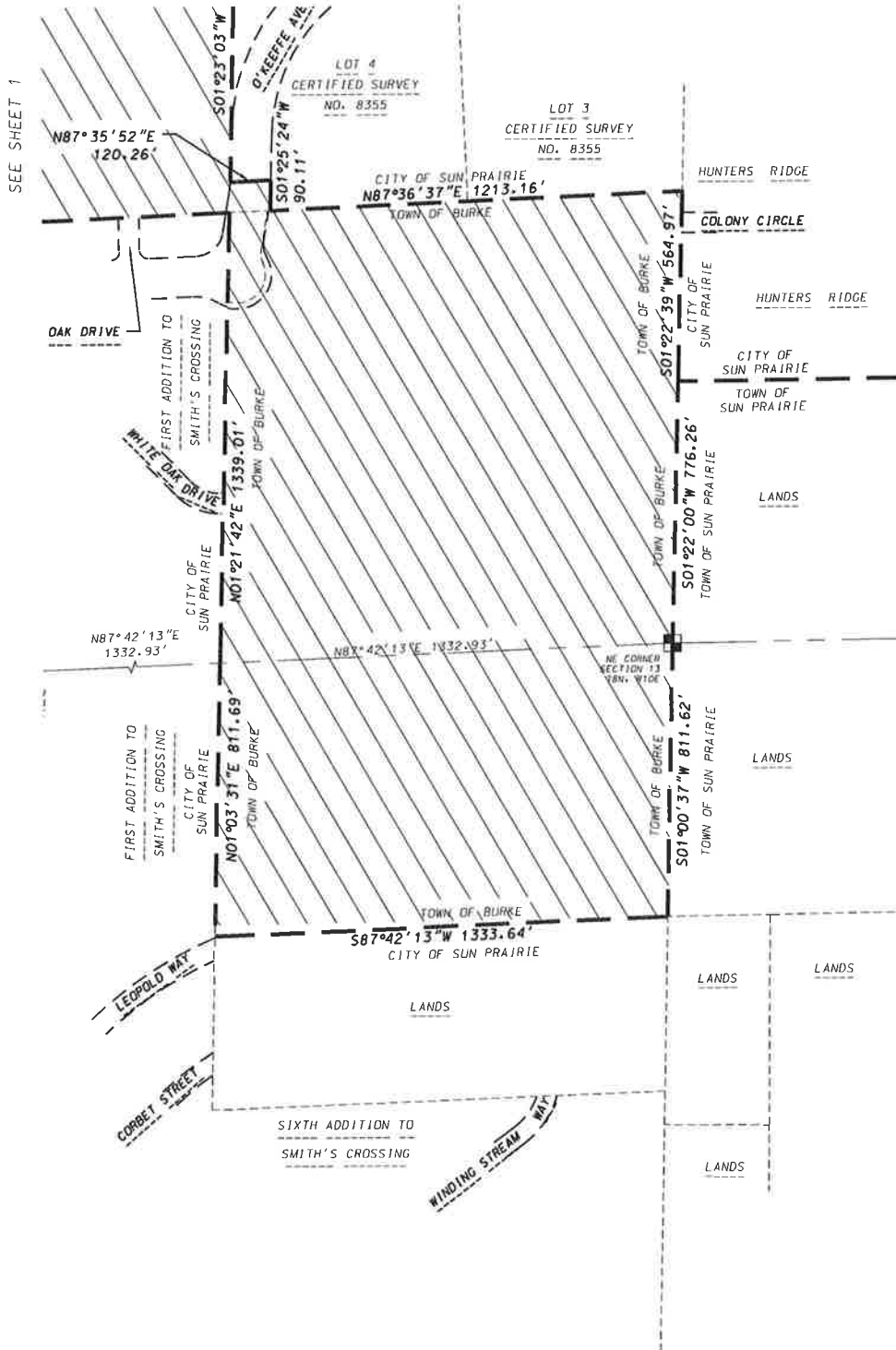


# EXHIBIT "II"

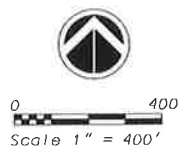
## LANDS TO BE ATTACHED TO THE CITY OF SUN PRAIRIE

ENACTMENT NO. \_\_\_\_\_  
 FILE ID NO. \_\_\_\_\_  
 DATE ADOPTED \_\_\_\_\_  
 DATE PUBLISHED \_\_\_\_\_

AREA: 110.66 acres (0.1729 sq. mi.)



**D'ONOFRIO KOTTKE AND ASSOCIATES, INC.**  
 7530 Westward Way, Madison, WI 53717  
 Phone: 608.833.7530 • Fax: 608.833.1089  
 YOUR NATURAL RESOURCE FOR LAND DEVELOPMENT



DATE: December 27, 2017  
 F.N.: 17-07-125



*Dream. Built. Live.*

MADISON | MILWAUKEE

February 25, 2019

Tim Semmann  
City of Sun Prairie  
Planning Department  
300 E. Main Street  
Sun Prairie, WI 53590

Dear Mr. Semmann:

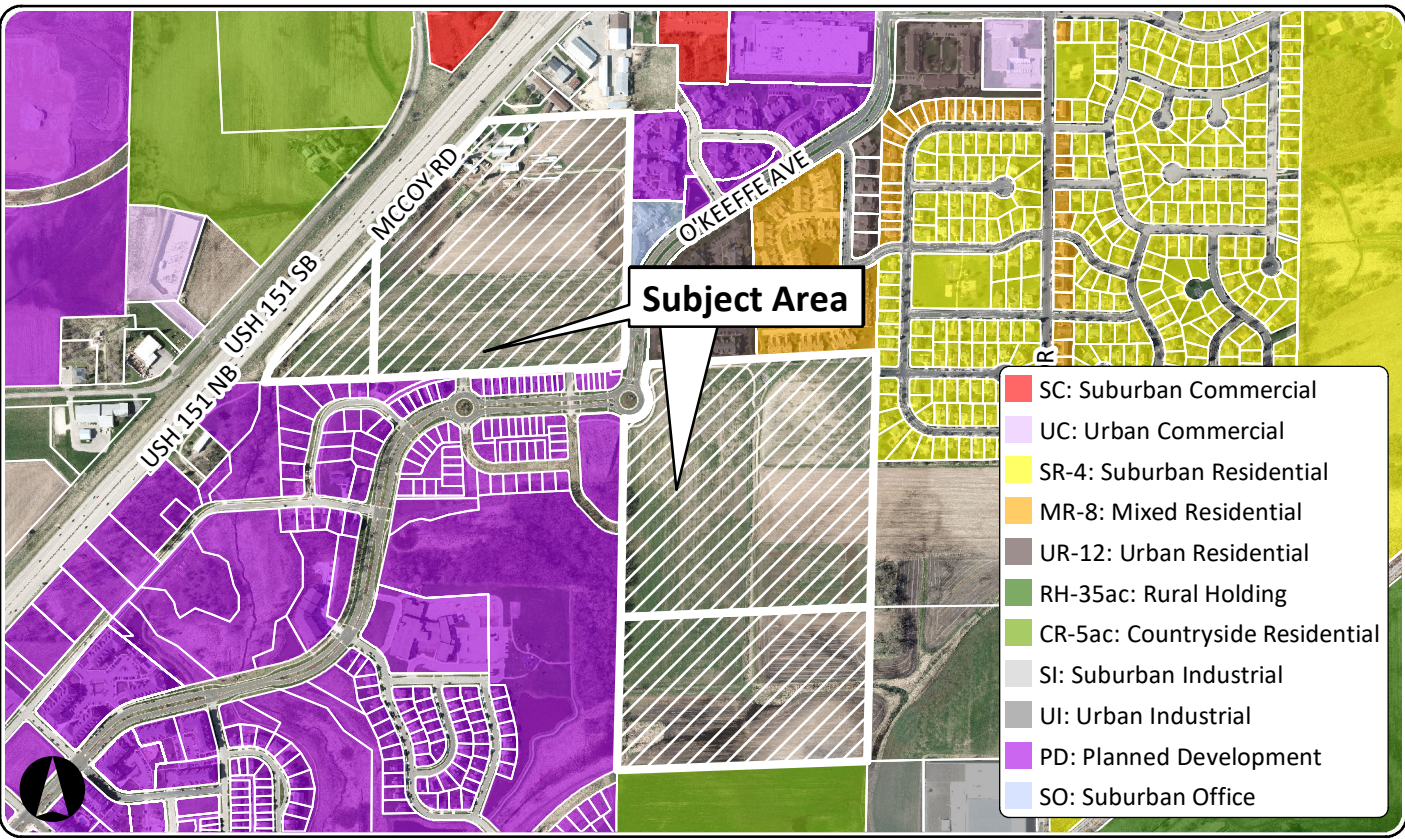
Please find enclosed the Land Development Application for the annexation of a portion of the McCoy farm into City of Sun Prairie from the Town of Sun Prairie and a Petition for Attachment of a portion of McCoy farm from the Town of Burke into the City of Sun Prairie. The annexation and attachment are for the McCoy Addition to Smith's Crossing for direct annexation.

If you have any questions, I can be reached at 608-226-3038 or by email at [cehlers@veridianhomes.com](mailto:cehlers@veridianhomes.com).

Sincerely,

Chris Ehlers  
Vice President, Land Development

Enclosures



**Subject Area**

- SC: Suburban Commercial
- UC: Urban Commercial
- SR-4: Suburban Residential
- MR-8: Mixed Residential
- UR-12: Urban Residential
- RH-35ac: Rural Holding
- CR-5ac: Countryside Residential
- SI: Suburban Industrial
- UI: Urban Industrial
- PD: Planned Development
- SO: Suburban Office

**PETITION FOR ATTACHMENT**

(Section 66.0307, Wis. Stats.)

TO: CLERK, CITY OF SUN PRAIRIE      CLERK, TOWN OF BURKE  
300 E. Main Street                      5365 Reiner Road  
Sun Prairie, WI 53590                      Madison, WI 53718

Pursuant to the Final Town of Burke, Village of DeForest, City of Sun Prairie and City of Madison Cooperative Plan, dated January 5, 2017, the undersigned, constituting all of the owners of the real property described on Exhibit I (the "**Attachment Property**"), do hereby petition the Common Council of the City of Sun Prairie, a municipal corporation located in Dane County, Wisconsin, to attach the Territory from the Town of Burke to the City of Sun Prairies.

**Attachment Property Owner:**                      McCoy Trust dated May 25, 2016

**Attachment Property Owner's Mailing Address:**                      2355 McCoy Road,  
Sun Prairie, WI 53590

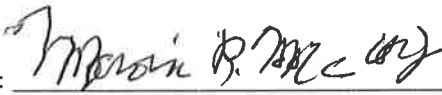
**Attachment Property Tax Key Numbers:**                      081012383202, 081012485003, 081012495001  
081013182105, and 081012192909

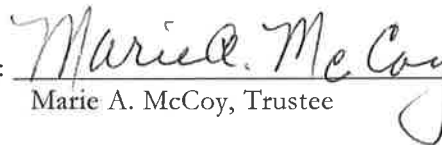
**The Attachment Property is legally described on Exhibit I.**

**The Attachment Property is shown on Exhibit II.**

The undersigned requests that the attachment be approved and take effect in the manner provided for by law.

**MCCOY TRUST DATED MAY 25, 2016**

By:   
Marvin R. McCoy, Trustee

By:   
Marie A. McCoy, Trustee



## EXHIBIT I

Being a part of the NE1/4 of the NE1/4 of Section 13, the SE1/4 of the SE1/4, the NE1/4 of the SE1/4, the NW1/4 of the SE1/4 and the SW1/4 of the NE1/4 of Section 12, T8N, R10E, Town of Burke, Dane County, Wisconsin described as follows: Beginning at the northeast corner of said Section 13; thence S01°00'37"W, 811.62 feet along the east line of the NE1/4 of said Section 13; thence S87°42'13"W, 1333.64 feet parallel to the north line of the NE1/4 of said Section 13 to a point on the east line of First Addition to Smith's Crossing; thence N01°03'31"E, 811.69 feet along said east line; thence N01°21'42"E, 1339.01 feet along said east line to the northeast corner of said First Addition to Smith's Crossing; thence S87°25'43"W, 1319.46 feet along the north line of said First Addition to Smith's Crossing; thence S88°00'09"W, 749.16 feet along said north line to the southeasterly right-of-way line of USH "151", also being the northwesterly right-of-way line of McCoy Road; thence N42°15'02"E, 1874.41 feet along said southeasterly right-of-way line to a point on the south line of the SW1/4 of the NE1/4 of said Section 12; thence N87°30'47"E, 91.70 feet along said south line to a point on the southeasterly right-of-way line of McCoy Road; thence N42°12'12"E, 18.86 feet along said southeasterly right-of-way line; thence S47°47'48"E, 5.00 feet along said southeasterly right-of-way line to a point on the northwesterly line of Lot 2, Certified Survey Map No. 2017; thence S36°19'37"E, 10.90 feet along the southwesterly line of said Lot 2; thence N87°34'45"E, 725.04 feet along the south line of said Lot 2 and the easterly extension thereof to the northwest corner of Prairie Fields; thence S01°23'03"W, 1248.90 feet along the west line of said Prairie Fields, the west line of Lot 1, Certified Survey Map No. 8811 and the west right-of-way line of O'Keeffe Avenue; thence N87°35'52"E, 120.26 feet to a point on the west line of Lot 4, Certified Survey Map No. 8355; thence S01°25'24"W, 90.11 feet along said west line; thence N87°36'37"E, 1213.26 feet along the south line of Lots 3 and 4, said Certified Survey Map No. 8355 to a point on the west line of Hunter's Ridge; thence S01°23'39"W, 564.97 feet along said west line to the southwest corner of Lot 26, said Hunter's Ridge; thence S01°22'00"W, 776.26 feet to the point of beginning. Containing 4,820,245 square feet (110.66 acres).

Annexation Worksheet for Dane County Clerk					
<i>To be completed by municipal clerks involved in annexation</i>					
	COLUMN A		COLUMN B		
	Municipality losing the area		Municipality gaining the area		
	Current Info		Current Info		
Name of T/C/V	Town of Burke		Name of T/C/V	City of Sun Prairie	
Ward #	2		Ward #	24	
Aldermanic District - (if applicable)			Aldermanic District - (if applicable)	3	
County Supervisor Dist	21		County Supervisor Dist	21	
Assembly Dist	79		Assembly Dist	79	
Senate Dist	27		Senate Dist	27	
School District	Sun Prairie Area School District		School District	Sun Prairie Area School District	
Polling Place			Polling Place		
# of people involved	Unknown		#of people involved	Unknown	
Effective date of change			Effective date of change		
Addresses involved (Not legal descriptions)	None		Addresses involved	None	
Names of voters involved	N/A		Names of voters involved	N/A	
Date clerk of "new" municipality notified clerk of "old" area of need to transfer information into the WISVOTE system					
<b><i>Please do not write, approve or record an annexation ordinance/resolution until you have this info approved by the</i></b>					
<b><i>Dane County Clerk.</i></b>					

