

# The State of Wisconsin

Office of the Secretary of State

**CITY 192**

CITY OF SUN PRAIRIE

COUNTY OF DANE

ANNEXATION ORDINANCE NUMBER 00-529

FILED APRIL 1, 2005



C-192

**DEPARTMENT OF ENGINEERING**

300 East Main Street, Sun Prairie, WI 53590-2227  
(608)837-3050  
FAX(608)825-1194

March 21, 2005

Tineisha Scott  
Division of Government Records  
Office of the Secretary of State  
P.O. Box 7848  
Madison, WI 53707-7848

**Re: Annexations to the City of Sun Prairie**

Dear Tineisha:

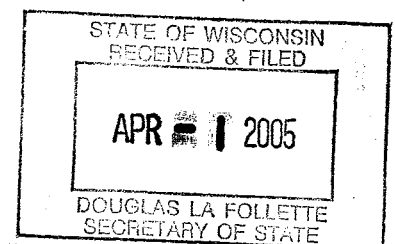
Enclosed are ordinances 98-427 and 00-529. Ordinance 98-427 is for Blooming Meadows subdivision, with a population of zero. Ordinance 00-529 is for The Third Addition to Hickory Grove Estates and Liberty Square subdivisions. The population is two.

I have been working with Kara Sandley at the Department of Transportation. I informed her that you would be sending this information to her. If you have any questions, please do not hesitate to call.

Sincerely,

Erin M. Norton  
Engineering Technician

EMN:jj  
Enclosure





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](http://www.cityofsunprairie.com)

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

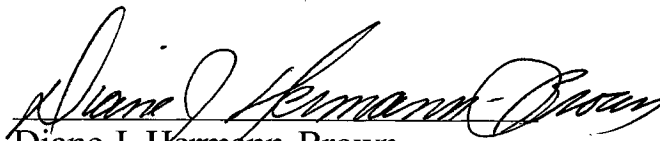
**ORDINANCE 529**  
**Adopted July 18, 2000**

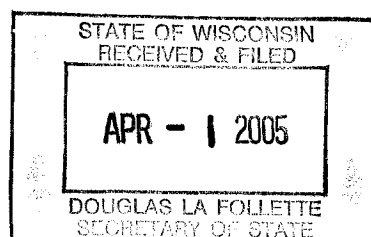
***AN ORDINANCE APPROVING A PETITION FOR DIRECT ANNEXATION  
OF THE BIRKINBINE PROPERTY, APPROXIMATELY 184.8 ACRES,  
LOCATED IN PART OF THE SOUTHEAST ¼ AND PART OF THE  
SOUTHWEST ¼ OF SECTION 3', T9N, R11E, TOWN OF BRISTOL, DANE  
COUNTY, WISCONSIN, WITH TEMPORARY RURAL HOLDING 35 ACRE  
ZONING***

***"BIRKINBINE ANNEXATION"***

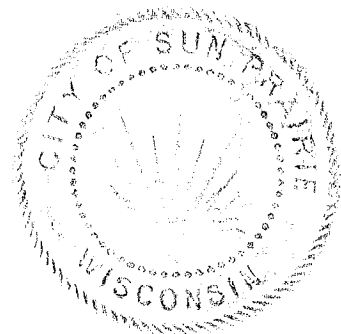
has been compared by me with the original document on file in my office and now in my legal custody. I further certify that this copy is a true and correct copy of the original.

In witness whereof, I sign at my office in Dane County, Wisconsin on March 22, 2005.

  
Diane J. Hermann-Brown  
City Clerk



(SEAL)



City of Sun Prairie, Wisconsin

**APPROVAL OF A PETITION FOR DIRECT  
ANNEXATION OF THE BIRKINBINE  
PROPERTY, APPROXIMATELY 184.8 ACRES,  
LOCATED IN PART OF THE SOUTHEAST 1/4  
AND PART OF THE SOUTHWEST 1/4 OF  
SECTION 31, T9N, R 11E, TOWN OF BRISTOL,  
DANE COUNTY, WISCONSIN, WITH  
TEMPORARY RURAL HOLDING – 35 ACRE  
ZONING**

**“BIRKINBINE ANNEXATION”**

Presented: July 18, 2000

Adopted: July 18, 2000

Published: July 27, 2000

**File Number: 8499**

**Ordinance No.: 529**

## ORDINANCE

**WHEREAS**, the proposed area for annexation is located within an area where the City of Sun Prairie Comprehensive Plan 1987-2010's Preferred Future Land Use Map 11-3 recommends Light Residential (i.e. 5 dwelling units or less per acre, single family dwellings), Moderate Residential (i.e. 4 – 10 dwelling units per acre, duplexes, fourplexes, townhouses), and High Density Residential (i.e. 10-20 dwelling units per acre, apartments) for the subject property; and

**WHEREAS**, the City of Sun Prairie's Northwest Quadrant Land Use Plan recommends low density residential, mixed residential and environmental corridor land uses for the proposed annexation area; and

**WHEREAS**, the proposed area for annexation is located in an “Immediate” City of Sun Prairie Development Area as defined in the City of Sun Prairie's Development Staging Plan; and

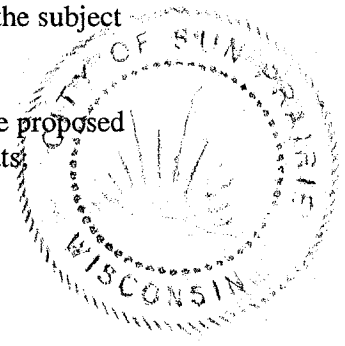
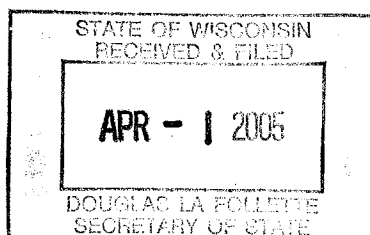
**WHEREAS**, the proposed area for annexation is currently zoned A-1 Agriculture (Dane County Zoning) and is located within the Town of Bristol; and,

**WHEREAS**, the proposed area for annexation is proposed to be developed with single family residential dwellings, owner-occupied townhouses, and rental apartment dwelling units; and,

**WHEREAS**, the proposed area for annexation is directly adjacent to the City of Sun Prairie along the City's northern edge and is within the Sun Prairie Urban Service Area; and,

**WHEREAS**, the proposed area for annexation is proposed to be served by public sanitary sewer and public water -- both of which may be efficiently extended to the subject property; and,

**WHEREAS**, the Wisconsin Department of Administration has found the proposed annexation to not be against the public interest per Section 66.021 (11), Wis. Stats.



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

**SECTION 1: TERRITORY ANNEXED.** In accordance with s.66.021 of the Wisconsin Statutes, and the Petition for Direct Annexation filed with the City Clerk on May 19, 2000 under Case No. PC0007-06 and signed by all the electors and all of the owners of land in the territory, the following described territory in the Town of Bristol, Dane County, Wisconsin is annexed to the City of Sun Prairie, Wisconsin:

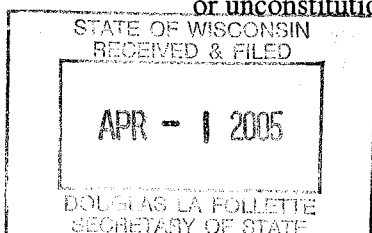
184.8 acres located in part of the Southeast 1/4 and part of the Southwest 1/4 of Section 31, T9N, R 11E, Town of Bristol, Dane County, Wisconsin, described more particularly as follows: Beginning at the East 1/4 corner of said Section 31; Thence S 01° 35' 10" E, 1818.10 feet along the East line of the said Southeast 1/4 of Section 31 to the North line of the Plat of Second Addition to Hickory Grove Estates; Thence along the said North line, S 89° 36' 58" W, 217.54 feet; Thence continue along the said North line, S 46° 02' 35" W, 82.35 feet; Thence continue along the said North line, S 89° 36' 58" W, 1082.80 feet; Thence continue along the said North line, S 67° 28' 20" W, 744.68 feet; Thence continue along the said North line, S 89° 36' 58" W, 600.28 feet to the North-South 1/4 line of said Section 31; Thence continue along the said North line of the Plat of Second Addition to Hickory Grove Estates, S 89° 30' 51" W, 1336.09 feet to the East line of the Plat of Hickory Grove Estates; Thence along the said East line of Hickory Grove Estates and the East line of First Addition to Hickory Grove Estates, N 01° 03' 10" W, 2136.01 feet to the East-West 1/4 line of said Section 31; Thence along the said East-West 1/4 line, N 89° 18' 10" E, 3975.90 feet to the East 1/4 of said Section 31 and the point of beginning

**SECTION 2: EFFECT OF ANNEXATION.** 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: TEMPORARY ZONING.** From and after the date of this ordinance, until such time that rezoning of the property is requested by the property owner as specified in the Annexation Agreement, the subject property shall be temporarily zoned Rural Holding – 35 acre (RH-35ac).

**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 4th Aldermanic District, Ward 8, 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.



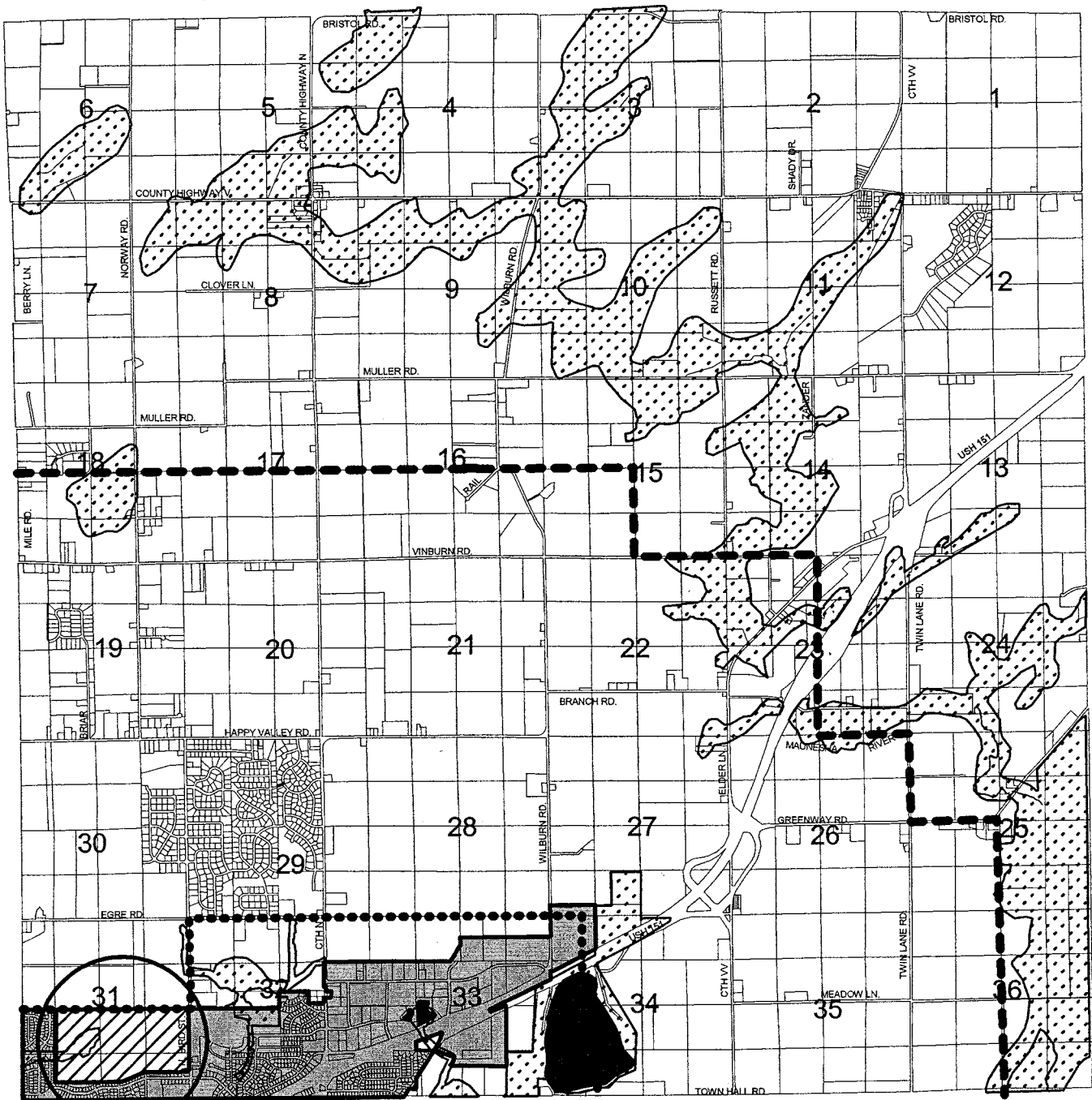
APPROVED: \_\_\_\_\_

Jo Ann C. Orfan, Mayor

Date Approved: July 18, 2000

This is to certify that the foregoing ordinance was adopted by the Common Council of the City of Sun Prairie at a meeting held on the 18th day of July 2000.

*Diane J. Hermann Brown*  
Diane J. Hermann Brown, City Clerk



## WILLIAM AND LILLIAN BIRKINBINE PROPERTY

100001000 Feet

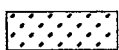
### LEGEND



City of Sun Prairie Municipal Limit



City of Sun Prairie ETJ



Environmental/Open Space Corridors

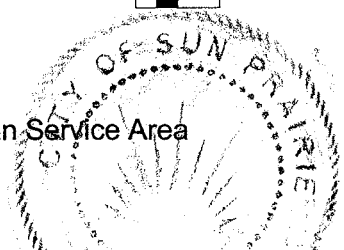


City of Sun Prairie Urban Service Area

## City of Sun Prairie Plan Commission Report

General Location Map - Located in part of the Southeast 1/4 and part of the Southwest 1/4 of Section 31, T9N, R11E, Town of Bristol, Dane County, Wisconsin

William and Lillian Birkinbine - Annexation Ordinance  
July 11, 2000



COPIES OF THIS REPORT  
FILED

APR - 1 2005

LA FOLLETTE  
SECRETARY OF STATE



#### LEGEND

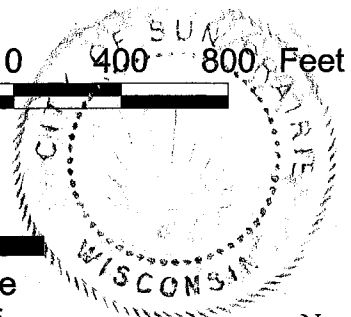
- City of Sun Prairie Municipal Limit
- ..... City of Sun Prairie Urban Service Area

STATE OF WISCONSIN  
RECEIVED & FILED

APR - 1 2005

DOUGLAS A. FOLLETTE  
CLERK OF STATE

400 0 400 800 Feet



## City of Sun Prairie Plan Commission Report

General Location Map - Located in part of the Southeast 1/4 and part of the Southwest 1/4 of Section 31, T9N, R11E, Town of Bristol, Dane County, Wisconsin

William and Lillian Birkinbine - Annexation Ordinance  
July 11, 2000





# TOWN OF BRISTOL

7033 Elder Lane  
6479 CTH N  
Sun Prairie, WI 53590

June 28, 2000

Mayor JoAnn C. Orfan  
City of Sun Prairie  
300 E. Main Street  
Sun Prairie, WI 53590

RE: Birkinbine Annexation

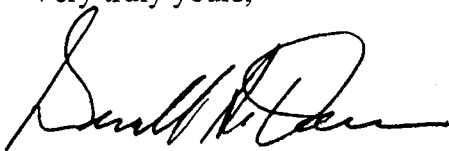
Dear Mayor Orfan:

I write as the Chairperson of the Town of Bristol. It has come to our attention that the William H. and Lillian Birkinbine Funded Revocable Trust has filed a Petition for Direct Annexation dated May 19, 2000. The proposal seeks to annex land located in section 31 of the Town of Bristol. Mr. Herman J. Kraus, who will be involved with this land as its developer, has indicated that the City of Sun Prairie is reluctant to commit to install public infrastructure, including sewer and utilities if there is any possibility that there might be a challenge to the annexation. As you know, the Town of Bristol and the City of Sun Prairie have had a positive relationship over the years, and have not had problems over contested annexations to date. We are familiar with this annexation, and I am able to state that I do not believe there is any reasonable prospect of the Town of Bristol filing a lawsuit to challenge this annexation. While the Town Board of the Town of Bristol has not acted to waive any objection to annexation, I am comfortable stating that the Town does not intend to contest the annexation.

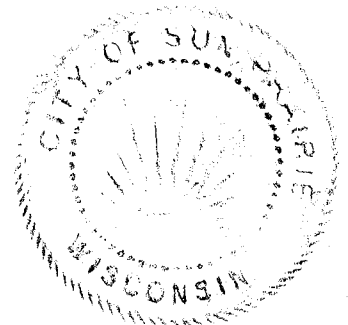
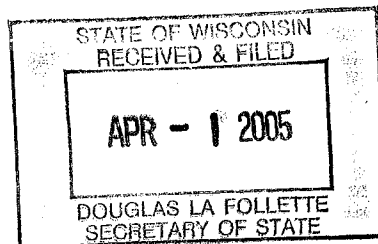
If the City requires a more formal assurance from the Town prior to undertaking the infrastructure improvements, we would be willing to schedule a vote on an appropriate resolution.

Please let me know.

Very truly yours,



Gerald H. Derr, Chairperson  
Town of Bristol



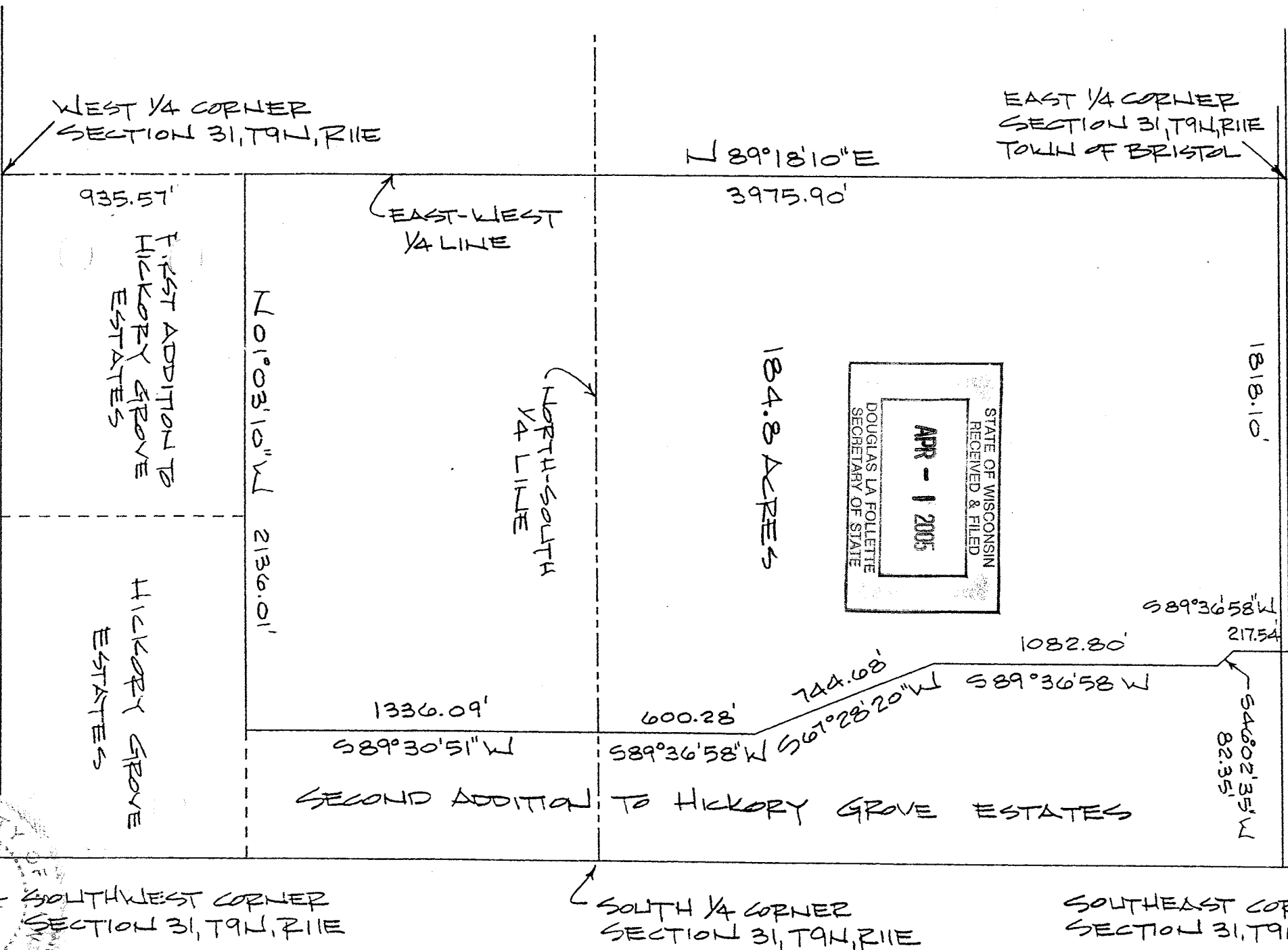


# ANNEXATION MAP



BIRENKOTT  
SURVEYING, INC.  
P.O. Box 237  
1677 N. Bristol Street  
Sun Prairie, Wisconsin 53590  
Phone (608) 837-7463  
Fax (608) 837-1081

BIPO STREET  
S 01°35'10"E 2647.48'



Legend:  
Scale: 1 inch = 500 feet

Dated: 5-18-00

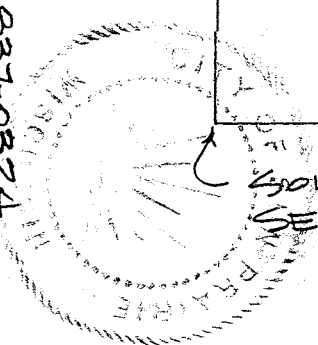
Office Map No.: 00020

SHEET 1 OF 2

Prepared For: KRAS BEALE STATE 837-0324

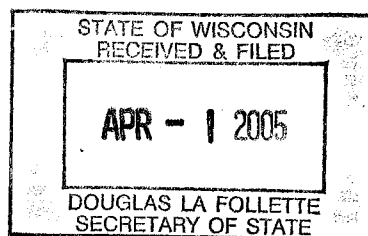
711 LAOS DRIVE

SUN PRAIRIE, WI.





BIRRENKOTT  
SURVEYING, INC.  
P.O. Box 237  
1677 N. Bristol Street  
Sun Prairie, Wisconsin 5  
Phone (608) 837-7463  
Fax (608) 837-1081



#### ANNEXATION DESCRIPTION:

PART OF THE SOUTHEAST 1/4 AND PART OF THE SOUTHWEST 1/4 OF SECTION 31, T 9 N, R 11 E, TOWN OF BRISTOL, DANE COUNTY, WISCONSIN, DESCRIBED MORE PARTICULARLY AS FOLLOWS:

BEGINNING AT THE EAST 1/4 CORNER OF SAID SECTION 31; THENCE S 01° 35' 10" E, 1818.10 FEET ALONG THE EAST LINE OF THE SAID SOUTHEAST 1/4 OF SECTION 31 TO THE NORTH LINE OF THE PLAT OF SECOND ADDITION TO HICKORY GROVE ESTATES; THENCE ALONG THE SAID NORTH LINE, S 89° 36' 58" W, 217.54 FEET; THENCE CONTINUE ALONG THE SAID NORTH LINE, S 46° 02' 35" W, 82.35 FEET; THENCE CONTINUE ALONG THE SAID NORTH LINE, S 89° 36' 58" W, 1082.80 FEET; THENCE CONTINUE ALONG THE SAID NORTH LINE, S 67° 28' 20" W, 744.68 FEET; THENCE CONTINUE ALONG THE SAID NORTH LINE, S 89° 36' 58" W, 600.28 FEET TO THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 31; THENCE CONTINUE ALONG THE SAID NORTH LINE OF THE PLAT OF SECOND ADDITION TO HICKORY GROVE ESTATES, S 89° 30' 51" W, 1336.09 FEET TO THE EAST LINE OF THE PLAT OF HICKORY GROVE ESTATES; THENCE ALONG THE SAID EAST LINE OF HICKORY GROVE ESTATES AND THE EAST LINE OF FIRST ADDITION TO HICKORY GROVE ESTATES, N 01° 03' 10" W, 2136.01 FEET TO THE EAST-WEST 1/4 LINE OF SAID SECTION 31; THENCE ALONG THE SAID EAST-WEST 1/4 LINE, N 89° 18' 10" E, 3975.90 FEET TO THE EAST 1/4 OF SAID SECTION 31 AND THE POINT OF BEGINNING.

#### Legend:

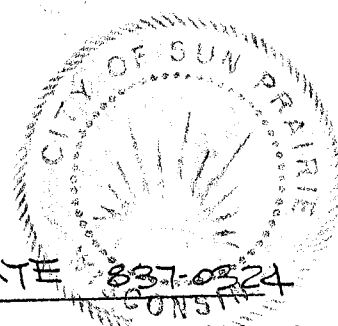
Scale: 1 inch = \_\_\_\_\_ feet

Dated: 5-18-00

Office Map No.: 00020

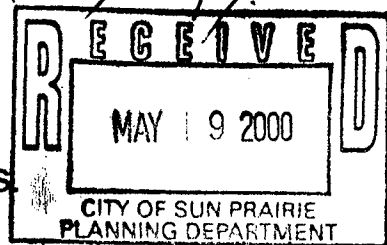
Client 2000

Prepared For: KRAUS REAL ESTATE 837-0524  
711 LOIS DRIVE  
SUN PRAIRIE, WI.



Planning Copy.

PETITION FOR DIRECT ANNEXATION  
PURSUANT TO SECTION 66.021, WIS. STATS.



We, the undersigned, constituting the owners of the land in the territory described herein and a number of qualified electors residing in the same territory, such electors being equal to at least the majority of votes cast for governor in the described territory at the last gubernatorial election, in the following described territory in the Town of Bristol, Dane County, Wisconsin, lying contiguous to the City of Sun Prairie, petition the Honorable Mayor and the Common Council of the said City of Sun Prairie to annex the territory described below and shown on the attached scale map to the City of Sun Prairie, Dane County, Wisconsin:

Part of the Southeast 1/4 and part of the Southwest 1/4 of Section 31, T 9 N, R 11 E, Town of Bristol, Dane County, Wisconsin, described more particularly as follows: Beginning at the East 1/4 corner of said Section 31; thence S 01° 35' 10" E, 1818.10 feet along the East line of the said Southeast 1/4 of Section 31 to the North line of the Plat of Second Addition to Hickory Grove Estates; thence along the said North line, S 89° 36' 58" W, 217.54 feet; thence continue along the said North line, S 46° 02' 35" W, 82.35 feet; thence continue along the said North line, S 89° 36' 58" W, 1082.80 feet; thence continue along the said North line, S 67° 28' 20" W, 744.68 feet; thence continue along the said North line, S 89° 36' 58" W, 600.28 feet to the North-South 1/4 line of said Section 31; thence continue along the said North line of the plat of Second Addition to Hickory Grove Estates, S 89° 30' 51" W, 1336.09 feet to the East line of the plat of Hickory Grove Estates; thence along the said East line of Hickory Grove Estates and the East line of First Addition to Hickory Grove Estates, N 01° 03' 10" W, 2136.01 feet to the East-West 1/4 line of said Section 31; thence along the said East-West 1/4 line, N 89° 18' 10" E, 3975.90 feet to the East 1/4 of said Section 31 and the point of beginning.

The current population of the above-described territory is 2.

We, the undersigned, elect that this annexation shall take effect to the full extent consistent with outstanding priorities of other annexation, incorporation or consolidation proceedings, if any.

Owners

WILLIAM H. AND LILLIAN BIRKINBINE  
FUNDED REVOCABLE TRUST

Date: 5-19-00

By: William H. Birkinbine  
William H. Birkinbine, Trustee

Date: 5-19-00

By: Lillian F. Birkinbine  
Lillian F. Birkinbine, Trustee

Electors

Date: 5-19-2000

Donald Braman, Sr.  
Donald Braman

Date: 5-19-2000

Venita Braman  
Venita Braman

