

ORD 9080

ORDINANCE 2007

AN ORDINANCE ANNEXING LANDS FROM
THE TOWN OF MIDDLETON TO THE CITY OF MIDDLETON

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

WHEREAS, proper petition having been presented seeking direct annexation by unanimous approval, pursuant to Wis. Stats. § 66.0217(2), of the property described on Exhibit "A" attached hereto to the City of Middleton, Wisconsin; and

WHEREAS, the signatories on the petition constitute all of the owners of property within the lands described in Exhibit "A"; and

WHEREAS, a scale map of the land proposed for annexation is depicted on the attached Exhibit "B"; and

WHEREAS, the current population of the annexed property is zero; Aldermanic District 5; Ward 12; County Supervisory 29; Senate 27; Assembly 79;

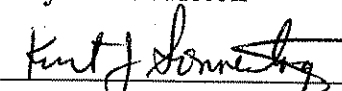
NOW, THEREFORE, the above-described property is hereby annexed from the Town of Middleton to the City of Middleton;

Pursuant to Wis. Stats. §66.0217(14)(a)1. the City shall pay annually to the Town of Middleton for five (5) years, an amount equal to the amount of property taxes that the Town of Middleton levies on the annexed territory identified in Exhibit "A" as shown by the tax roll under Wis. Stats. § 70.65, in the year in which the annexation is final.

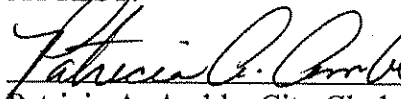
This Ordinance shall take effect upon its passage and publication.

Adopted on roll call at a regular meeting of the Common Council of the City of Middleton held on July 17, 2007.

APPROVED:
City of Middleton


Kurt J. Sonnentag, Mayor

ATTEST:


Patricia A. Amble, City Clerk

VOTE:

Ayes: 7 Published: 7/25/17
Noes: 0 Adopted: 7/17/07

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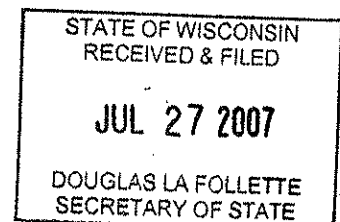
**LEGAL DESCRIPTION OF LANDS TO BE ANNEXED INTO THE CITY OF
MIDDLETON, WISCONSIN**

Part of the Northeast 1/4 of the Northwest 1/4 of Section 2, Township 7 North, Range 8 East, in the Town of Middleton, Dane County, Wisconsin, described as follows:

Commencing at the North Quarter Corner of said Section 2;
thence S 88°41'26" W, 403.22 feet, along the North line of the said Northwest 1/4 to the intersection with the centerline of Parmenter Street (formerly known as U.S. Highway 12);
thence S 06°48'44" E, 33.15 feet, along said centerline of Parmenter Street, to the point of beginning;
thence S 06°48'44" E, 352.22 feet, along said centerline of Parmenter Street;
thence continuing Southerly along said centerline of Parmenter Street, 365.12 feet, along the arc of a curve to the left having a radius of 1432.39 feet, a central angle of 14°36'17" and a long chord bearing S 14°06'53" E, 364.13 feet to the point of tangency thereof;
thence S 21°25'01" E, 632.14 feet, along the said centerline of Parmenter Street to the intersection with the South line of the said Northeast 1/4 of the Northwest 1/4;
thence S 88°46'54" W, 1229.00 feet, along the said South line to intersection with the East side of U.S. Highway "12";
thence N 12°53'29" E, 1245.60 feet, along the said East side of U.S. Highway "12";
thence N 63°32'57" E, 211.34 feet, along the said East side of U.S. Highway "12";
thence N 88°41'26" E, 400.30 feet, along the South line of Springton Drive and it's easterly extension thereof, to the point of beginning.

Containing 25.39 acres, more or less.

EXHIBIT A



SCALE MAP

DANE COUNTY COORDINATES
 N 498858.14
 E 784553.40

LOT 3
 CSM NO. 9593

NORTH 1/4
 CORNER
 SECTION 2,
 T7N, R8E
 DANE COUNTY
 COORDINATES
 N 498918.83
 E 787208.37

NW CORNER
 SECTION 2, T7N,
 R8E,

SPRINGTON DRIVE

S88°41'26"W (NW COR. TO N 1/4 COR.)
 2655.67'

S88°41'26"W 403.22'

POINT OF
 BEGINNING

LOT 1
 CSM NO 6479

CITY OF
 MIDDLETON CORP.
 LIMITS

LOT 2
 CSM NO 6479

GRABER ROAD

U.S. HIGHWAY "12"
 (N12°29'09"E)
 N12°53'29"E

1245.60'

PART OF THE NE 1/4
 OF THE NW 1/4

L=365.12
 S14°06'53"E
 364.13
 Δ=14°36'17"
 R=1432.39
 (NORTHERLY)

AREA OF
 PROPOSED
 ANNEXATION

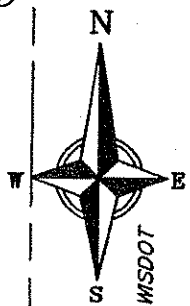
25.39 ACRES ±

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(EAST)
 (S 88°23'04" W) (1227.76')
 S88°46'54"W 1229.00'

OLD U.S. HIGHWAY "12"
 (NORTHERLY)
 521°25'01"E
 632.14'

C.L. PARMENTER STREET
 (NORTHERLY)
 506°48'44"E
 352.22'



BEARINGS ARE REFERENCED TO THE MIDDLETON
 DANE COUNTY COORDINATE SYSTEM

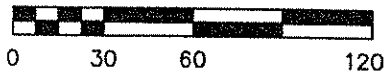
LOT 1
 CSM NO 11342

LAURA LANE

CITY OF
 MIDDLETON CORP.
 LIMITS

LOT 2
 CSM NO 11342

GRAPHIC SCALE FEET



SCALE: 1"=200'

V:\LDD3\T WALL MURPHY.dwg\ANNEXATION\T WALL - 33055316_MURPHY ANNEXATION_HRNL COMMENTS.dwg
 by: jqu
 16-Jul-2007 3:05p

VIERBICHER
 ASSOCIATES
 Committed to Quality Service Since 1976

REEDSBURG - MADISON - SCHOFIELD - PRAIRIE DU CHIEN
 999 Fourrier Drive, Suite 201 Madison, Wisconsin 53717
 Phone: (608) 826-0532 Fax: (608) 826-0530

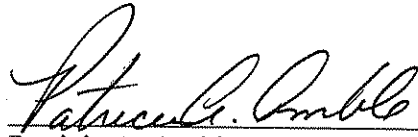
REVISIONS	SCALE 1"=200'	SHEET
7-16-07 Middleton Comments	CHECKED jg	
	DRAFTER jg	
	FILE SEE LEFT	
JOB NO. 33055316	DATE 5-5-06	1 OF 1

EXHIBIT B

C-199

CERTIFICATION OF CLERK

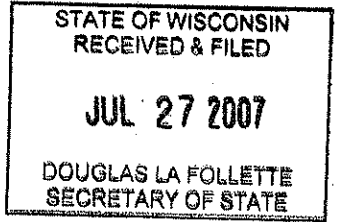
I, Patricia A. Amble, do hereby certify that I am the duly appointed and qualified City Clerk for the City of Middleton, County of Dane, State of Wisconsin; and enclosed herewith is a true and correct copy of the minutes of the regular meeting of the Common Council of the City of Middleton, Dane County, Wisconsin held on July 17, 2007; and seven (7) copies of the Ordinance to Annex lands from the Town of Middleton.



Patricia A. Amble
City Clerk

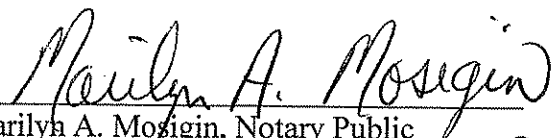
Dated this 25th day
of July, 2007.

STATE OF WISCONSIN)
)
COUNTY OF DANE)



On this 25th day of July, 2007, personally came before me the above named Patricia A. Amble, City Clerk for the City of Middleton, Dane County, Wisconsin, known to be the person described in the foregoing instrument and acknowledged that he executed the same in the capacity therein stated and for the purpose therein contained.

In witness whereof I hereunto set me hand and official seal.



Marilyn A. Mosegin, Notary Public
My commission expires 9-14-08

MIDDLETON COMMON COUNCIL MINUTES

City Council Chambers
Tuesday July 17, 2007 7:30 PM

Mayor Sonnentag convened the Council meeting at 7:35 p.m.

Present: Conhaim, DiPiazza, Hilbert, Hoeksema, Leo, Lewis, Wexler
Absent: Teal

Comments from Citizens Present (Limited to 3 minutes per speaker)

Since there was no one present who wished to address the Common Council, Mayor Sonnentag proceeded with the agenda items.

Approval of Council Minutes

Moved by Wexler, seconded by Hilbert, to approve the Council minutes of July 3, 2007 as presented. Motion carried, 7-0.

Approval of Bills

Moved by Lewis, seconded by Hoeksema, to approve the July 17, 2007 bills for payment as recommended by the Finance Committee with deferral of a \$40,000 request from Phenco. Motion carried, 7-0.

Public Hearings - 7:45 p.m. - "Class B" Combination Fermented Malt Beverage and Intoxicating Liquor License Request for Luz De Luna, LLC d/b/a Luz De Luna International Gourmet and Pachuco's Bar & Lounge, 8145 Forsythia Street, Middleton, WI

Mayor Sonnentag opened the public hearing at 7:45 p.m. on the combination fermented malt beverage and intoxicating liquor license request for Luz de Luna, LLC d/b/a Luz De Luna International Gourmet and Pachuco's Bar & Lounge, 8145 Forsythia Street, Middleton, WI. Since no one wished to address the Council, Mayor Sonnentag declared the hearing closed at 7:45 p.m.

Public Hearings - 7:46 p.m. - "Class B" Combination Fermented Malt Beverage and Intoxicating Liquor License Request for Triple J Middleton, LLC d/b/a Boston's the Gourmet Pizza & Sports Bar, 8420 Market Street, Middleton, WI

Mayor Sonnentag opened the public hearing at 7:46 p.m. on the combination fermented malt beverage and intoxicating liquor license request for Triple J Middleton, LLC d/b/a Boston's the Gourmet Pizza & Sports Bar, 8420 Market Street, Middleton, WI. Since no one wished to address the Council, Mayor Sonnentag declared the hearing closed at 7:46 p.m.

Public Hearings - 7:47 p.m. - Resolution 2007-27, Discontinuation of Old Town Road in the City, West Half

Mayor Sonnentag opened the public hearing at 7:47 p.m. for resolution 2007-27, discontinuation of old town road in the City of Middleton, west half. Since no one was present who wished to address the Council, Mayor Sonnentag declared the hearing closed at 7:47 p.m.

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Focus Group Discussions/Web Survey Consultant's Report (Library Director)

Paul Nelson, Library Director, reviewed the Library Assessment Report.

Resolution 2007-25, Discontinuation of Old Town Road in the City, East Half

Moved by Wexler, seconded by Lewis, to dispense with reading and to adopt resolution 2007-25, discontinuation of an old town road in the City of Middleton, east half, as recommended. Motion carried, 7-0.

Resolution 2007-27, Discontinuation of Old Town Road in the City, West Half

Moved by Wexler, seconded by Leo, to dispense with reading and to adopt resolution 2007-27, discontinuation of an old town road in the City of Middleton, west half, as recommended. Motion carried, 7-0.

Annexation Ordinance from the Town of Middleton - Tribeca Village

Moved by Wexler, seconded by DiPiazza, to dispense with reading and to adopt ordinance to annex land from the Town of Middleton, Tribeca Village, as recommended by the Plan Commission. Motion carried, 7-0.

Amend Agreement with Nahn & Associates for Special Charges re. Flood Plain Mapping

Moved by Wexler, seconded by DiPiazza, to amend the agreement with Nahn & Associates for special charges relating to the flood plain mapping at a cost not to exceed \$173.00 as recommended. Motion carried, 7-0.

Memo of Understanding with Bruce Co. – Storm Water Repair

Moved by DiPiazza, seconded by Hoeksema, to defer. Motion carried, 7-0.

City Rep Agreement - Fire/EMS Facility

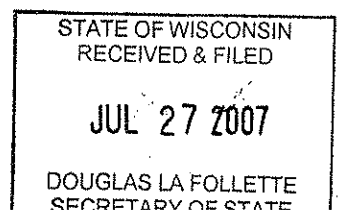
Moved by Lewis, seconded by Leo, to defer pending final agreement. Motion carried, 7-0.

Authorize Expenditure from Airport Fund - Pavement Patchwork at Airport

Moved by Conhaim, seconded by Lewis, to authorize up to \$6000 for pavement work at the Airport as recommended by the Airport Commission. Motion carried, 7-0.

"Class B" Combination Fermented Malt Beverage and Intoxicating Liquor License Request for Luz De Luna, LLC d/b/a Luz De Luna International Gourmet and Pachuco's Bar & Lounge, 8145 Forsythia Street, Middleton, WI

Moved by Conhaim, seconded by Hilbert, to approve the "Class B" fermented malt beverage and intoxicating liquor license request for Luz De Luna, LLC d/b/a Luz De Luna International Gourmet and Pachuco's Bar & Lounge, 8145 Forsythia Street, as recommended by the License & Ordinance Committee. Motion carried, 7-0.



"Class B" Combination Fermented Malt Beverage and Intoxicating Liquor License Request for Triple J Middleton, LLC d/b/a Boston's the Gourmet Pizza & Sports Bar, 8420 Market Street, Middleton, WI

Moved by Conhaim, seconded by Hilbert, to approve the "Class B" fermented malt beverage and intoxicating liquor license request for Triple J Middleton, LLC d/b/a Boston's the Gourmet Pizza & Sports Bar, 8420 Market Street, as recommended by the License & Ordinance Committee. Motion carried, 7-0.

Ordinance to Amend Sec. 15.04(2),(6)(h),(8)(b) re. Parking Restrictions

Moved by Conhaim, seconded by DiPiazza, to dispense with reading and to amend ordinance Sec. 15.04(2), (6)(h), (8)(b) relating to parking restrictions as recommended by the License & Ordinance Committee. Motion carried, 7-0.

Refer to PW, WRMC, City Attorney and PRFC - City/Developer Agreement, SIP Modification and Re-Plat of Middleton Hills, Lot 326

Moved by Wexler, seconded by Hoeksema, to refer to the Public Works Committee, the Water Resource Management Committee, the City Attorney and the Park, Recreation & Forestry Commission the city/developer agreement for Specific Implementation modification and re-plat of Middleton Hills, Lot 326 for their review and recommendations as recommended by the Plan Commission. Motion carried, 7-0.

Closed Session - The Council will meet in closed session pursuant to Section 19.85 (1)(g) of the Wisconsin Statutes in order to consult with legal counsel concerning prospective litigation to enforce compliance with Middleton zoning and property maintenance codes relative to a property located on Century Place.

Moved by Hoeksema, seconded by DiPiazza, to convene into closed session pursuant to sections 19.85(1)(g), Wisconsin Statutes in order to consult with legal counsel concerning prospective litigation to enforce compliance with Middleton zoning and property maintenance codes relative to a property located on Century Place. Motion carried, 7-0, roll call: Yes - Conhaim, DiPiazza, Hilbert, Hoeksema, Leo, Lewis, Wexler, No - none.

The City Attorney outlined options for the Council. No action taken.

Moved by Wexler, seconded by Leo, to re-convene into open session. Motion carried, 7-0, roll call: Yes - Conhaim, DiPiazza, Hilbert, Hoeksema, Leo, Lewis, Wexler, No - none.

Committee Appointments - Ad Hoc Police Building Committee Members

Moved by Hoeksema, seconded by Wexler, to appoint Brad Keil, Steve Britt, Eileen Kelley, Ed Elskamp, Tony Peterson and James Lagro the Ad Hoc Police Building Committee as recommended by the Mayor. Motion carried, 7-0.

Adjournment

Moved by Hoeksema, seconded by Hilbert, to adjourn this meeting at 8:30 p.m. Motion carried, 7-0.

Timothy R. Studer
Deputy City Clerk

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