



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

December 6, 2019

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

ORD11103

RECEIVED

December 6, 2019

Municipal Boundary Review
Wisconsin Dept. of Admin.

Dear MBR Team:

ORDINANCE NO. 19-00085
ID NO. 57745
30 Nob Hill 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 Madison Cooperative Plan, DO HEREBY CERTIFY adoption of attachment Ordinance No. 19-00085, ID No. 57745 on November 19, 2019; thereby attaching territory from the Town of Madison and attaching same to the City of Madison.

A certified copy of Ordinance No. 19-00085 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,

A handwritten signature in black ink that reads "Maribeth Witzel-Behl".

Maribeth Witzel-Behl
City Clerk

MWB:eac

Wisconsin DOA, MBR Team

cc:

Dane County Register of Deeds
Clerk, Town of Madison

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)
Eric Halvorson, Transportation (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 11th day of November, 2019.

30 Nob Hill Attachment
Ordinance #: ORD-19-00085
ID#: 57745

KRISTI CHLEBOWSKI
DANE COUNTY
REGISTER OF DEEDS

DOCUMENT #
5546235
12/05/2019 10:01 AM
Trans Fee:
Exempt #:
Rec. Fee: 30.00
Pages: 13

Recording Area

Name and Return Address

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

Parcel Identification Number (PIN)

December 5, 2019

Date

Signature of Clerk

James Verbick, Deputy 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 December 5, 2019 by the above named person(s).

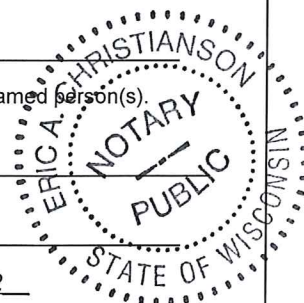
Signature of notary or other person
authorized to administer an oath
(as per s. 706.06, 706.07)

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-19-00085

File Number: 57745

Enactment Number: ORD-19-00085

Creating Section 15.01(611) of the Madison General Ordinances entitled "City Boundaries" and being part of the chapter entitled "Aldermanic Districts and Wards" attaching to the 14th Aldermanic District the 30 Nob Hill, LLC Attachment; creating Section 15.02(146) of the Madison General Ordinances to assign the attached property to Ward 146; amending Section 15.03(14) to add Ward 146 to Aldermanic District 14; and creating Section 28.022 - 00406 to zone the property SE (Suburban Employment) District.

DRAFTER'S ANALYSIS: This ordinance attaches land in the Town of Madison pursuant to the terms of the requirements of the City of Madison, Town of Madison, and City of Fitchburg Cooperative Plan.

The Common Council of the City of Madison do hereby ordain as follows:

An ordinance to create Subsection (611) 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, a petition for attachment with scale map attached was filed with the City Clerk of Madison on September 25, 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 Madison; said petition having been signed by the owners of all of the land in the territory; there being no residents or electors; and notice of the proposed attachment having been given to the Town of Madison; 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 Madison, and City of Fitchburg Cooperative Plan approved pursuant to Wis. Stat. § 66.0307;

WHEREAS, under the early attachment provisions of Sec. 8.A.1 of the Cooperative Plan, property owners may petition the City for early attachment following approval of the Town Board; and

WHEREAS, the owner of the parcels located at 30 Nob Hill Road has petitioned the City for early attachment, which the Town Board approves of, subject to the Terms and Conditions of the Early Attachment Agreement and Municipal Revenue Sharing Agreement for the 30 Nob Hill Road, LLC;

WHEREAS, in return for allowing early attachment of the 30 Nob Hill Road parcel into the City, the City agrees to pay the Town municipal revenue sharing of the local share of property tax revenue as required by the Municipal Revenue Sharing Agreement.

NOW, THEREFORE, the Common Council of the City of Madison do ordain as follows:

1. Subsection (611) of Section 15.01 of the Madison General Ordinances is hereby created to read

as follows:

"15.01(611) - There is hereby attached to the 14th Aldermanic District, the City of Madison, Dane County, Wisconsin, the following described property:

Part of Government Lot 1, located in the Northeast Quarter of Section 36, Township 07N, Range 09E, Town of Madison, Dane County, Wisconsin, more particularly described as follows:

Commencing at the North Quarter Corner of Section 36, aforesaid; thence S00°23'38"W along the West line of the Northeast quarter of Section 36, aforesaid, 1,133.33 feet; thence S89°36'22"E, 1,786.16 feet to a point on the southerly right-of-way line of US Highways 12 and 18, also being the Point of Beginning; thence N31°38'18"E along said right-of-way line, 231.95 feet; thence N58°07'33"E along said right-of-way line, 106.02 feet; thence N85°52'22"E along said right-of-way line, 7.76 feet to the west line of the east half of Government Lot 1, aforesaid, also being the current corporate boundary line of the City of Madison; thence S00°23'26"W along said west line and corporate boundary, 282.42 feet to the centerline of Nob Hill Road; thence S88°47'05"W along said centerline line, 216.87 feet; thence N01°12'55"W, 33.00 feet to the Point of Beginning. Said described parcel contains 40,729 square feet, 0.935 acres or 0.001461 square miles."

2. Subsection (146) of Section 15.02 entitled "Wards and Ward Boundaries" of the Madison General Ordinances is created to read as follows:

"(146) Ward 146. Part of Government Lot 1, located in the Northeast Quarter of Section 36, Township 07N, Range 09E, Town of Madison, Dane County, Wisconsin, more particularly described as follows: Commencing at the North Quarter Corner of Section 36, aforesaid; thence S00°23'38"W along the West line of the Northeast quarter of Section 36, aforesaid, 1,133.33 feet; thence S89°36'22"E, 1,786.16 feet to a point on the southerly right-of-way line of US Highways 12 and 18, also being the Point of Beginning; thence N31°38'18"E along said right-of-way line, 231.95 feet; thence N58°07'33"E along said right-of-way line, 106.02 feet; thence N85°52'22"E along said right-of-way line, 7.76 feet to the west line of the east half of Government Lot 1, aforesaid, also being the current corporate boundary line of the City of Madison; thence S00°23'26"W along said west line and corporate boundary, 282.42 feet to the centerline of Nob Hill Road; thence S88°47'05"W along said centerline line, 216.87 feet; thence N01°12'55"W, 33.00 feet to the Point of Beginning. Said described parcel contains 40,729 square feet, 0.935 acres or 0.001461 square miles. Polling place at Resilience Research Center, 501 East Badger Road."

3. Subsection (14) of Section 15.03 entitled "Aldermanic Districts" of the Madison General Ordinances is amended to read as follows:

(14) Fourteenth Aldermanic District. Wards 70, 71, 72, 73, 74, 75, 113, and 139, and 146."

4. Map Amendment 00256 of Section 28.022 of the Madison General Ordinances is hereby created to read as follows:

"28.022-00256. The following described property is hereby added to the SE (Suburban Employment) District:

Part of Government Lot 1, located in the Northeast Quarter of Section 36, Township 07N, Range 09E, Town of Madison, Dane County, Wisconsin, more particularly described as follows:

Commencing at the North Quarter Corner of Section 36, aforesaid; thence S00°23'38"W along the

West line of the Northeast quarter of Section 36, aforesaid, 1,133.33 feet; thence S89°36'22"E, 1,786.16 feet to a point on the southerly right-of-way line of US Highways 12 and 18, also being the Point of Beginning; thence N31°38'18"E along said right-of-way line, 231 .95 feet; thence N58°07'33"E along said right-of-way line, 106.02 feet; thence N85°52'22"E along said right-of-way line, 7.76 feet to the west line of the east half of Government Lot 1, aforesaid, also being the current corporate boundary line of the City of Madison; thence S00°23'26"W along said west line and corporate boundary, 282.42 feet to the centerline of Nob Hill Road; thence S88°47'05"W along said centerline line, 216.87 feet; thence N01°12'55"W, 33.00 feet to the Point of Beginning. Said described parcel contains 40,729 square feet, 0.935 acres or 0.001461 square miles."

I, Deputy City Clerk James Verbick, certify that this is a true copy of Ordinance 19-00085, file number 57745, adopted by the Madison Common Council on November 11, 2019.


_____12/5/2019**Date Certified**



City of Madison

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

Master

File Number: 57745

File ID: 57745

File Type: Ordinance

Status: Passed

Version: 1

Reference:

Controlling Body: Attorney's
Office/Approval
Group

File Created Date : 10/09/2019

File Name: 30 Nob Hill Attachment

Final Action: 11/19/2019

Title: Creating Section 15.01(611) of the Madison General Ordinances entitled "City Boundaries" and being part of the chapter entitled "Aldermanic Districts and Wards" attaching to the 14th Aldermanic District the 30 Nob Hill, LLC Attachment; creating Section 15.02(146) of the Madison General Ordinances to assign the attached property to Ward 146; amending Section 15.03(14) to add Ward 146 to Aldermanic District 14; and creating Section 28.022 - 00406 to zone the property SE (Suburban Employment) District.

Notes: 6285nob.hillATTMT
MAYOR APPROVAL DATE 11/25/2019

CC Agenda Date: 11/19/2019

Agenda Number: 8.

Sponsors: Satya V. Rhodes-Conway

Effective Date: 12/04/2019

Attachments: Locator_Maps.pdf, Map, Staff_Comments.pdf

Enactment Number: ORD-19-00085

Author: John Strange

Hearing Date:

Entered by: dalthaus@cityofmadison.com

Published Date: 12/03/2019

Approval History

Version	Date	Approver	Action
1		Michael May	Approved as to Form
1		Laura Larsen	Approve

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Attorney's Office/Approval Group	10/09/2019	Referred for Introduction				
	Action Text: This Ordinance was Referred for Introduction						
	Notes: Plan Commission; Public Hearings: Plan Commission (11/11/19), Common Council (11/19/19)						

1	COMMON COUNCIL	10/15/2019	Refer For Public Hearing	PLAN COMMISSION	11/11/2019	Pass
	Action Text: A motion was made by Bidar, seconded by Harrington-McKinney, to Refer For Public Hearing to the PLAN COMMISSION. The motion passed by voice vote/other.					
	Notes:					
1	PLAN COMMISSION	11/11/2019	RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING			Pass
	Action Text: A motion was made by Rewey, seconded by Lemmer, to RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING. The motion passed by voice vote/other.					
	Notes: On a motion by Rewey, seconded by Ald. Lemmer, the Plan Commission found the standards met and recommended approval of the attachment and zoning map request to the Common Council by voice vote/ other.					
1	COMMON COUNCIL	11/19/2019	Adopt and Close the Public Hearing			Pass
	Action Text: A motion was made by Bidar, seconded by Harrington-McKinney, to Adopt and Close the Public Hearing. The motion passed by voice vote/other.					
	Notes:					

Text of Legislative File 57745

Fiscal Note

No fiscal impact.

Title

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Body

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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 Madison, and City of Fitchburg Cooperative Plan approved pursuant to Wis. Stat. § 66.0307;

WHEREAS, under the early attachment provisions of Sec. 8.A.1 of the Cooperative Plan, property owners may petition the City for early attachment following approval of the Town Board; and

WHEREAS, the owner of the parcels located at 30 Nob Hill Road has petitioned the City for early attachment, which the Town Board approves of, subject to the Terms and Conditions of the Early Attachment Agreement and Municipal Revenue Sharing Agreement for the 30 Nob Hill Road, LLC;

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City of Madison

Attachment & Rezoning

Location
30 Nob Hill Road

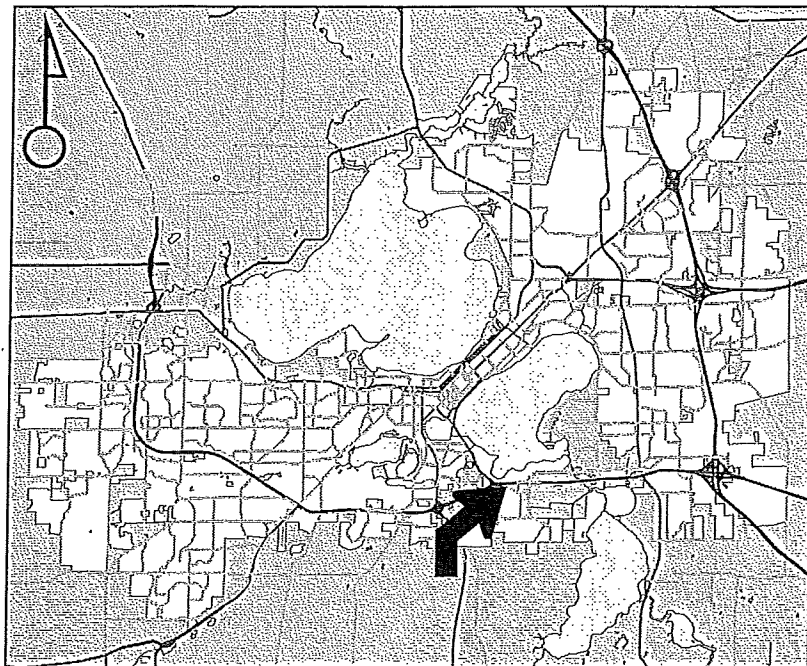
Applicant/ Petitioner
Mark Binkowski/
30 Nob Hill, LLC

Existing Use
Auto Repair

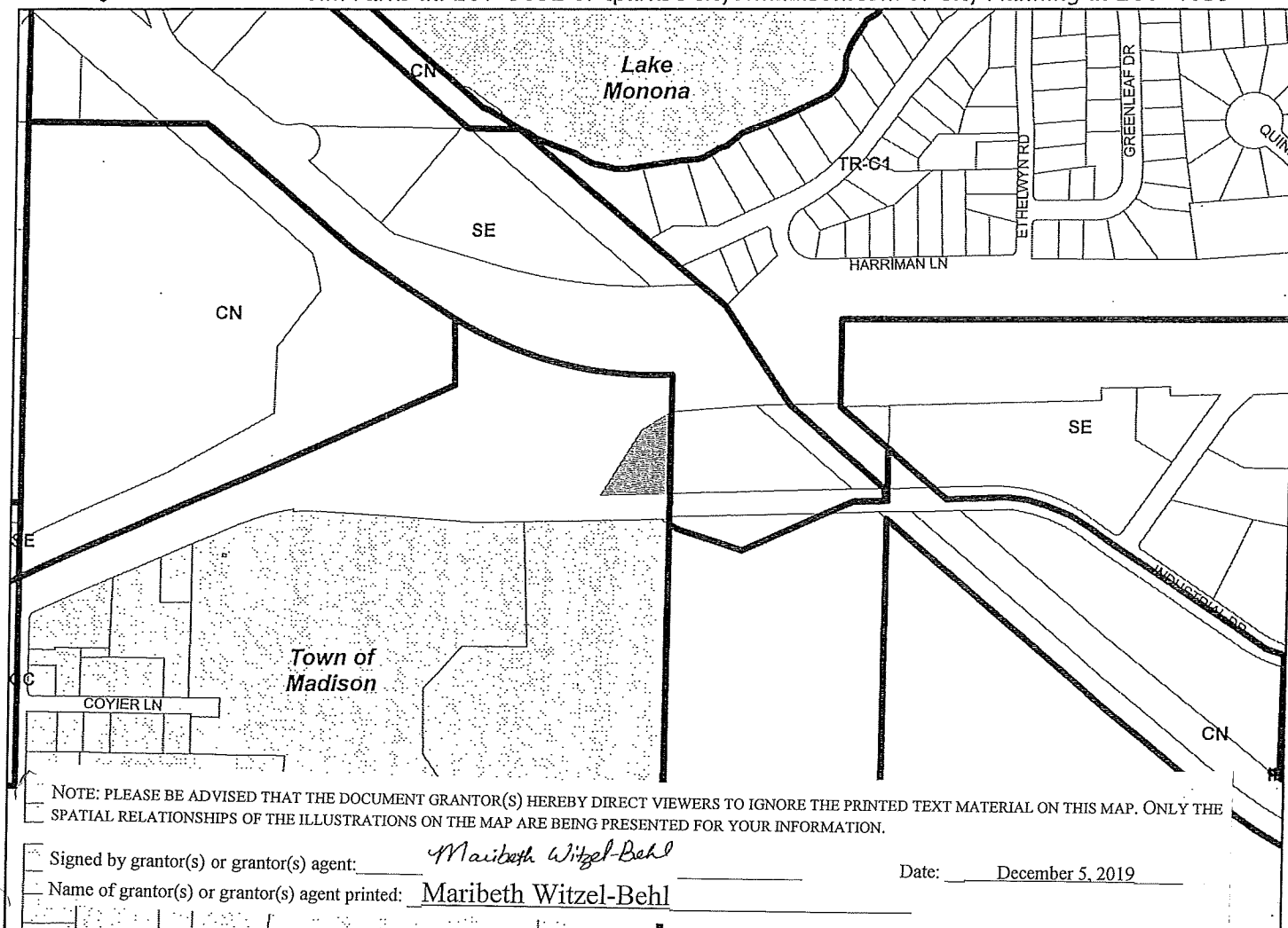
Proposed Use
Attach property from Town of
Madison and assign permanent
SE zoning

Public Hearing Date
Plan Commission
11 November 2019

Common Council
19 November 2019



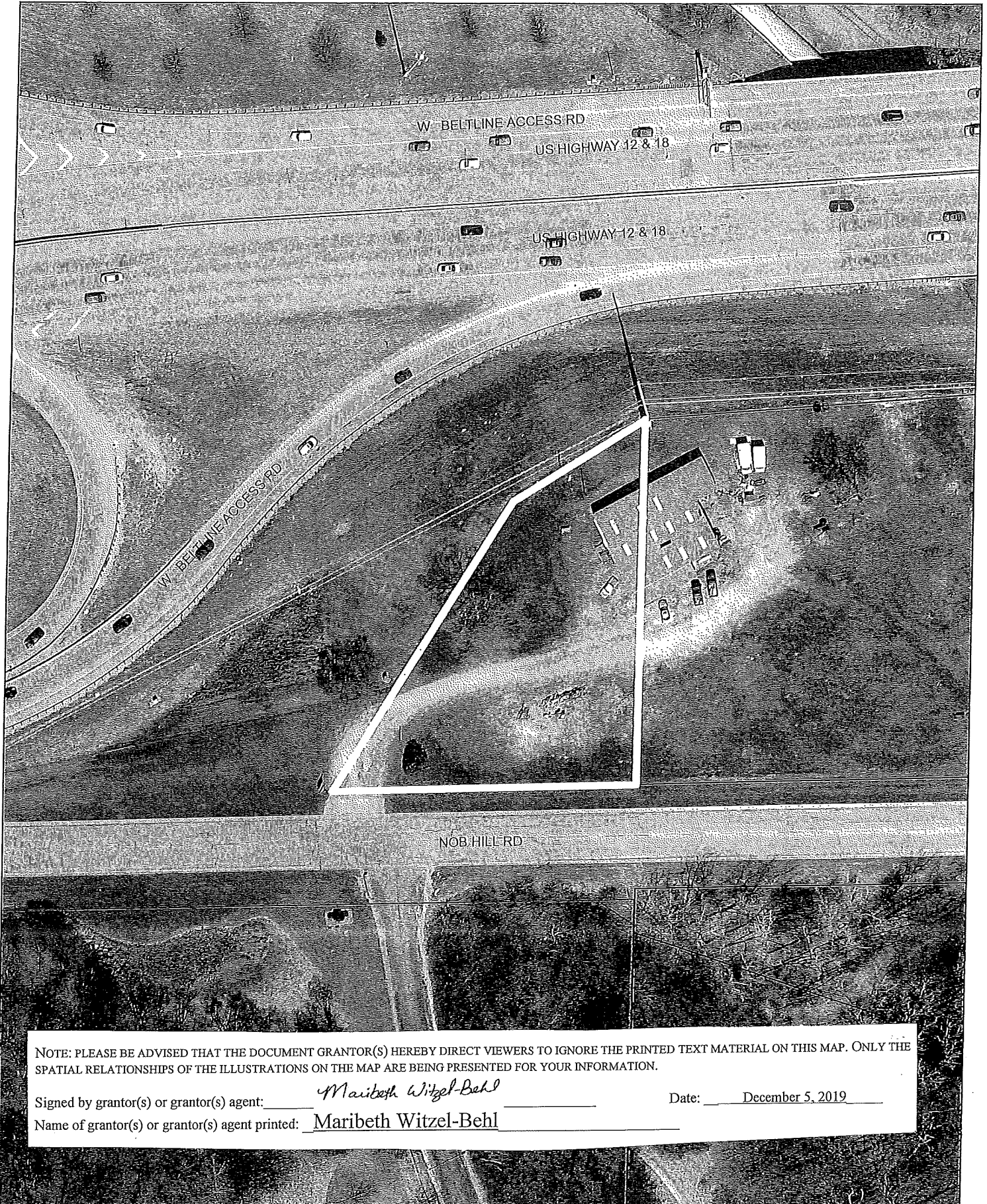
For Questions Contact: Tim Parks at: 261-9632 or tparks@cityofmadison.com or City Planning at 266-4635



Scale : 1" = 400'

City of Madison, Planning Division : PPE : Date : 5 Nov 2019

10



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

Date: December 5, 2019

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

RECEIVED
SEP 25 2019
MADISON CITY CLERK

WITNESS CORNER FOR THE
NORTH QUARTER CORNER
SECTION 36-07-09
FOUND ALUMINUM MONUMENT
N=472,662.27
E=823,818.75

NORTH QUARTER CORNER
SECTION 36-07-09
NO MONUMENT
N=472,193.33
E=823,813.20

U.S.H. '12' & '18'

RIGHT-OF-WAY VARIES

(N85°18'21"E)
N85°52'22"E 7.76'

NO ACCESS

ONE-STORY METAL BUILDING
30 NOB HILL ROAD
BUILDING AREA AT EXTERIOR
FOOTPRINT = 4,872 S.F.

PARCEL
40,729 S.F.
0.935 ACRE
0.001461 SQ. MI.

TOWN OF MADISON

NOB HILL ROAD

S88°47'05"W 216.87'

(S88°17'48"W)

LOT 2
CSM 13930

TOWN OF MADISON

CITY OF MADISON

CITY OF MADISON
CORPORATE BOUNDARY

CITY OF MADISON

CENTER CORNER
SECTION 36-07-09
FOUND ALUMINUM MONUMENT
N=469,549.11
E=823,795.02

LEGEND

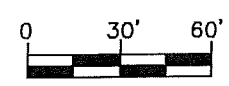
- GOVERNMENT CORNER
- PARCEL BOUNDARY
- CENTERLINE
- RIGHT-OF-WAY LINE
- SECTION LINE
- PROPERTY LINE

NOTES

1. FIELD WORK PERFORMED ON MAY 17, 2018.
2. BEARINGS FOR THIS SURVEY AND MAP ARE BASED ON THE WISCONSIN COUNTY COORDINATE SYSTEM, DANE COUNTY. THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 36-07-09 BEARS S00°23'38"W.

LINE TABLE

LINE	BEARING	DISTANCE
L-1	N01°12'55"W	33.00'



SCALE: 1" = 60'

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: December 5, 2019

JSD Professional Services, Inc.
MADISON REGIONAL OFFICE
161 HORIZON DRIVE, SUITE 101
VERONA, WISCONSIN 53593
P. 608.648.5060

PROJECT:
30 NOB HILL ROAD

TOWN OF MADISON
DANE COUNTY, WISCONSIN

SHEET TITLE:
SCALE MAP

JSD PROJECT NUMBER:
18-8595
DRAWN BY: JK
CHECKED BY: TJB
DATE:
SEPT. 24, 2019
SHEET NUMBER:
1 OF 2



Department of Planning & Community & Economic Development

Planning Division

Heather Stouder, Director

Madison Municipal Building, Suite 017
215 Martin Luther King Jr. Boulevard
Madison, Wisconsin 53703
Phone: (608) 266-4635
www.cityofmadison.com

TO: Plan Commission
FROM: Timothy M. Parks, Planner
DATE: November 11, 2019
SUBJECT: Ordinance ID 57745 – Attaching 40,729 square feet (0.935 acres) of land owned by 30 Nob Hill, LLC to the City of Madison from the Town of Madison, and assigning SE (Suburban Employment District) zoning

On September 25, 2019, a petition was filed in the City Clerk's Office by Nob Hill, LLC to attach an approximately 0.94-acre property located in the Town of Madison on the north side of Nob Hill Road to the City of Madison. The petition also requests SE (Suburban Employment District) zoning for the property.

The parcel to be attached contains approximately 217 feet of frontage along Nob Hill Road and is partially developed with the former Madison Landau auto upholstery business. The western and northern edges of the site are bound by the right of way for the W Beltline Highway. The 0.94-acre parcel to be attached with this ordinance abuts a 2.37-acre parcel on the east under the same ownership already in the City with the same address. The existing adjacent City parcel is zoned SE. On September 16, 2019, the Plan Commission approved a demolition permit to raze the portion of the former upholstery business located in the City (ID 57103).

This ordinance attaches land pursuant to the Cooperative Plan entered into by the City, Town of Madison, and City of Fitchburg, dated October 10, 2003. Pursuant to the Cooperative Plan, individual property owners may petition the City for early attachment following approval by the Town Board. The owner of the combined properties at 30 Nob Hill Road petitioned the City for early attachment in order to allow the future redevelopment of the site to occur within one jurisdiction.

The Town of Madison Board approved of the early attachment and has executed an Early Attachment Agreement and Municipal Revenue Sharing Agreement with the City (authorized by Resolution 19-00582 (ID 56648), adopted by the Common Council of the City of Madison on August 6, 2019) detailing that in exchange for early attachment the City will pay the Town one-half of the City's share of property taxes from the combined parcels until October 31, 2022, when the Town parcel would have otherwise attached to the City under the Cooperative Plan. The agreement also contains provisions for the property owner/petitioner to connect the future new building to Town sewers located west of the site near Nob Hill Road and Badger Lane.

Attachment ordinances allowed by an intergovernmental agreement and cooperative plan do not typically come before the Plan Commission for a recommendation prior to being adopted by the Common Council. However, in addition to attaching the property to the City and assigning it to the 14th Aldermanic District, Ordinance ID 57745 includes a request to assign permanent SE-Suburban Employment District zoning to the property. Section 8.A.1 of the City's intergovernmental agreement and cooperative plan with the Town of Madison and City of Fitchburg provides that the City may designate a temporary or permanent

zoning classification for each attached parcel as prescribed in Section 62.23(7)(d) of Wis. Stats., which generally requires that a Class 2 notice be provided in the official municipal newspaper prior to the Plan Commission hearing on a zoning map amendment. In addition to the Class 2 notice, notices were mailed to Town and City property owners and occupants located in 200 feet of the subject property as prescribed in Section 28.181(5) of the Zoning Code.

The combined parcels and other nearby properties located to the southwest are designated Employment by the 2018 Comprehensive Plan. Lands otherwise to the east and south of the site are recommended for Park and Open Space uses. Staff believes that zoning the Town parcel to the same SE zoning as adjacent larger parcel under the same ownership already in City is appropriate, and that the zoning is consistent with the Employment designation.

In closing, the Planning Division recommends that the Plan Commission recommend **approval** to the Common Council of Ordinance ID 57745, attaching 0.94 acres of land in the Town of Madison at 30 Nob Hill Road to the City, and zoning the attached property to the [permanent] SE (Suburban Employment) zoning district. No conditions of approval are recommended for the requested zoning map amendment.