

City of Sun Prairie, Wisconsin

**AN ORDINANCE APPROVING A PETITION FOR DIRECT
ANNEXATION OF APPROXIMATELY 35.22 ACRES OF LAND
LOCATED SOUTH OF TOKEN CREEK AND NORTH OF
STONEHAVEN DRIVE, FROM THE VILLAGE OF WINDSOR INTO
THE CITY OF SUN PRAIRIE.**

MERRY BROTHERS ENTERPRISE, LLC – “2021 ANNEXATION”

Presented: June 7, 2022

Adopted: June 7, 2022

Published: June 10, 2022

Ordinance No.: #892

ORDINANCE

WHEREAS, on January 28, 2021, Merry Brothers Enterprise, LLC filed a petition for direct annexation by unanimous approval per s. 66.0217 (2) Wis., and pursuant to an intergovernmental agreement per s. 66.0307, of approximately 35.22 acres of land located south of Token Creek and north of Stonehaven Drive, from the Village of Windsor into the City of Sun Prairie, Dane County, Wisconsin; and

WHEREAS, the proposed area for annexation is currently zoned A-3 Agriculture in the Village of Windsor; and

WHEREAS, the Comprehensive Plan recommends the lands within the proposed annexation area be used for Neighborhood Residential Parks and Open Space; and

WHEREAS, the proposed area for annexation is planned to be developed for low-density single-family residential and natural resource conservation; and

WHEREAS, the proposed area for annexation is in close proximity to public sanitary sewer and public water -- both of which may be available to be extended to the subject property, and

WHEREAS, at the time of the filing of the subject annexation petition, there were no electors residing within the territory proposed to be annexed; and

WHEREAS, on March 9, 2021 the Plan Commission held a public meeting on the proposed annexation and recommended approval; and

WHEREAS, the proposed area for attachment is located within the following voting districts: Sun Prairie Aldermanic District 4, Ward 29 30; Dane County Supervisory District 20; State Assembly District 37; State Senate District 13; and the Sun Prairie Area School District; and

WHEREAS, the City Council has reviewed the Staff Report for Plan Commission Case No. PC21-2892, dated March 9, 2021 and the Plan Commission's recommendation to the Mayor and City Council, dated March 10, 2021 and finds that the proposed annexation is in the best interest of the City.

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.66.0307 of the Wisconsin Statutes, and the Petition for Direct Annexation by Unanimous Approval filed with the City Clerk on January 28, 2021, under Case No. PC21-2892 and signed by all of the owners of land in the territory, the following described territory in the Village of Windsor, Dane County, Wisconsin is annexed to the City of Sun Prairie, Wisconsin:

Part of the Southwest 1/4 of the Northwest 1/4 and part of the Southeast 1/4 of the Northwest 1/4 Section 36, T9N, R10E, Village of Windsor, Dane County, Wisconsin, more fully described as follows:

Commencing at the North 1/4 Corner of said Section 36; thence S00°09'07"W (recorded as S00°09'26"W), 1,414.55 feet along the East line of said Northwest 1/4 to the centerline of Token Creek, as surveyed on April 10, 2019, said point being S00°09'07"W, 30.00 feet from a meander corner, and being the point of beginning; (the next 37 courses are along said centerline) thence S46°52'07"W, 205.82 feet, thence S30°55'36"W, 117.57 feet, said point being N49°13'25"W, 20.00 feet from a meander corner; thence S55°36'21"W, 160.45 feet; thence S35°54'35"W, 111.35 feet, said point being N49°13'25"W, 20.00 feet from a meander corner; thence S66°19'28"W, 63.06 feet; thence S30°54'00"W, 68.35 feet, said point being N49°13'25"W, 20.00 feet from a meander corner; thence S74°58'00"W, 80.50 feet; thence S07°57'18"W, 102.73 feet, said point being N49°13'25"W, 20.00 feet from a meander corner; thence S46°21'27"W, 66.31 feet; thence S29°05'00"W, 85.92 feet, said point being N05°07'53"W, 25.00 feet from a meander corner; thence N55°14'18"W, 72.47 feet; thence S84°06'50"W, 43.32 feet, said point being N29°50'02"W, 35.00 feet from a meander corner; thence N51°33'48"W, 51.19 feet; thence S65°37'25"W, 78.04 feet, said point being N00°35'12"E, 20.00 feet from a meander corner; thence N44°10'54"W, 27.49 feet; thence N13°26'24"E, 77.65 feet, said point being N61°00'37"E, 35.00 feet from a meander corner; thence N78°50'15"W, 84.63 feet; thence N39°34'39"W, 89.34 feet, said point being N45°00'57"E, 20.00 feet from a meander corner; thence N62°01'53"W, 81.11 feet; thence N16°58'41"E, 65.61 feet, said point being N72°08'30"E, 20.00 feet from a meander corner; thence N46°39'34"W, 52.74 feet; thence S84°05'22"W, 68.36 feet; thence N61°48'18"W, 30.56 feet, said point being N67°56'34"E, 20.00 feet from a meander corner; thence N29°15'59"W, 94.86 feet; thence S87°22'30"W, 97.01 feet, said point being N19°36'41"W, 20.00 feet from a meander corner; thence S69°11'23"W, 112.91 feet; thence S45°17'38"W, 90.60 feet, said point being N19°36'41"W, 20.00 feet from a meander corner; thence S79°18'03"W, 81.22 feet; thence S08°28'16"W, 126.67 feet, said point being N60°49'09"W, 20.00 feet from a meander corner; thence S36°26'24"W, 213.17 feet; thence S30°25'57"W, 156.13 feet, said point being N60°49'09"W, 20.00 feet from a meander corner; thence S38°01'16"W, 109.14 feet; thence S49°49'00"W, 49.60 feet, said point being N46°49'23"W, 20.00 feet from a meander corner; thence S21°26'13"W, 62.74 feet; thence S00°51'59"E, 54.72 feet, said point being N53°38'20"W, 20.00 feet from a meander corner; thence S43°39'09"W, 99.94 feet; thence S32°23'03"W, 125.82 feet, said point being N89°42'17"E, 30.00 feet from a meander corner; thence N89°42'17"E along the South line of said Northwest ¼, 2101.20 feet; thence N00°09'07"E (recorded as N00°09'26"E), 1259.31 feet to the point of beginning. Containing 1,534,487 square feet or 35.22 acres.

Parcel Identification Numbers: 0910-362-9415-1

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: ZONING. From and after the date of this ordinance, the territory described in Section 1 shall be zoned Rural Holding (RH-35ac), until such time that a request to re-zone the subject property is approved by the City Council.

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 ~~29~~ 30, of the City of Sun Prairie, Dane County Supervisory District 20, Assembly District 37, and Senate District 13, 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: June 7, 2022

Date Signed: June 8, 2022

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 7th day of June 2022, and was submitted for signatures on the 8th day of June 2022.

Elena Hilby, City Clerk