

ORDINANCE NO. 07-2018

**AN ORDINANCE TO AMEND THE LAND USE PLAN MAP OF THE VILLAGE OF GERMANTOWN 2020 "SMART GROWTH" COMPREHENSIVE PLAN:
Briscoe Management & Development Property (147.2-acres; Section 23)**

THE VILLAGE BOARD OF THE VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN, ORDAINS AS FOLLOWS:

SECTION 1. That pursuant to Sections 60.22(3), 62.23(2) and (3), and 66.1001(4)(c), Wisconsin Statutes, the Village Board of the Village of Germantown did, on October 4, 2004, enact Ordinance No. 30-04 formally adopting the "Village of Germantown Year 2020 Smart Growth Plan" to guide the use of land and future development in the Village.

SECTION 2. That pursuant to the consistency requirement of the "smart growth" comprehensive planning requirements established in Sections 66.1001(1)(a) and 66.1001(2), Wisconsin Statutes, the "Village of Germantown Year 2020 Smart Growth Plan" contains specific policies that require development proposals and decisions regarding rezoning and subdivision to be consistent with the Land Use element of the Plan.

SECTION 3. That William Carity, Carity Land Corporation, as agent for Briscoe Management & Development, represented by Mike Briscoe, property owner of land totaling 147.14 acres located north of Mequon Road, south of Freistadt Road and west of Country Aire Drive having Tax Key #GTNV 231-998, 232-989, 232-998, 233-981, 234-993 and 234-990 has submitted an application to amend the Land Use Plan map of the "Village of Germantown Year 2020 Smart Growth Plan" to change land use classifications as shown on Exhibit 1.

SECTION 4. That the Village Board conducted a public hearing of the application on April 16, 2018, following publication and notification of said hearing in compliance with the requirements of Section 66.1001(4), Wisconsin Statutes.

SECTION 5. That, after consideration of the application, supporting documentation, and public hearing testimony received, the Village Board does by enactment of this ordinance formally change the land use classifications as described in Section 6 through Section 10 as shown on Exhibit 1 attached hereto for the following described property:

A PART OF THE NORTHWEST QUARTER (NW 1/4), NORTHEAST QUARTER (NE 1/4), SOUTHEAST QUARTER (SE 1/4) AND SOUTHWEST QUARTER (SW 1/4) OF SECTION 23, TOWN 9 NORTH, RANGE 20 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 23, THENCE NORTH 02° 04'55" WEST ALONG THE

EAST LINE OF SAID SECTION 23 150.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF STATE TRUNK HIGHWAY 167 AND THE PLACE OF BEGINNING OF THE LANDS HERE-IN-AFTER DESCRIBED; THENCE SOUTH 87°55'00" WEST ALONG SAID NORTH RIGHT-OF-WAY 33.00 FEET; THENCE SOUTH 59°28'48" WEST ALONG SAID NORTH RIGHT-OF-WAY, 122.54 FEET; THENCE SOUTH 88°35'03" WEST ALONG SAID NORTH RIGHT-OF-WAY TO THE EAST RIGHT-OF-WAY LINE OF THE CHICAGO & NORTHWESTERN RAILROAD, 812.49 FEET; THENCE NORTH 37°49'50" WEST ALONG SAID EAST RIGHT-OF-WAY TO THE WEST LINE OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4), 4995.73 FEET; THENCE NORTH 02°09'14" WEST ALONG SAID WEST LINE TO THE NORTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 23, 1173.07 FEET; THENCE N 88°33'05" EAST ALONG SAID NORTH LINE 641.76 FEET; THENCE SOUTH 01°26'55" EAST 485.60 FEET; THENCE NORTH 88°33'05" EAST 200.00 FEET; THENCE NORTH 01°26'55" WEST TO THE NORTH LINE OF SAID NORTHWEST QUARTER (NW 1/4) OF SECTION 23, 485.60 FEET; THENCE NORTH 88°33'05" EAST ALONG SAID NORTH LINE TO THE EAST LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 23, 449.10 FEET; THENCE SOUTH 02°05'06" EAST ALONG SAID EAST LINE 1980.90 FEET; THENCE NORTH 88°38'40" EAST TO THE EAST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) 1291.29 FEET; THENCE SOUTH 02°05'12" EAST ALONG SAID EAST LINE TO THE SOUTH LINE OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 23 AND THE EAST LINE OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 23, 661.15 FEET; THENCE SOUTH 01°56'51" EAST ALONG SAID EAST LINE TO THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 23, 1320.44 FEET; THENCE NORTH 88°37'59" EAST ALONG SAID SOUTH LINE TO THE EAST LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 23, 1294.40 FEET; THENCE SOUTH 02°04'55" WEST ALONG SAID EAST LINE 970.22 FEET; THENCE SOUTH 88°42'05" WEST 330.00 FEET; THENCE SOUTH 02°04'55" WEST 155.00 FEET; THENCE NORTH 88°42'05" EAST TO THE EAST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 23, 330.00 FEET; THENCE SOUTH 02°04'55" WEST ALONG SAID EAST LINE 44.15 FEET TO THE PLACE OF BEGINNING. CONTAINING 6,411,601 SQUARE FEET (147.1901 ACRES) MORE OR LESS.

SECTION 6. Reclassify the following described land acres from "Agricultural/Conservation Residential" to "Low Density Residential" and include this area in the Village's Sanitary Sewer Service Area (SSA) boundary:

THAT PART OF THE NORTHWEST ¼ OF SECTION 23, TOWN 9 NORTH, RANGE 20 EAST IN THE VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SECTION OF SAID SECTION 23; THENCE SOUTH 88°29'55" WEST ALONG THE NORTH LINE OF THE SOUTHWEST ¼ OF SAID SECTION 23 223.78 FEET TO THE EAST RIGHT-OF-WAY LINE OF THE CANADIAN NATIONAL RAILROAD; THENCE NORTH 37°49'50" WEST ALONG THE SAID EAST RIGHT-OF-WAY LINE 274.92 FEET TO THE PLACE OF BEGINNING OF THE LANDS HEREINAFTER DESCRIBED: THENCE CONTINUING NORTH 37°49'50" WEST ALONG THE SAID EAST RIGHT-OF-WAY LINE 957.45 FEET; THENCE NORTH 88°36'24" EAST 187.19 FEET; THENCE SOUTH 51°13'59" WEST 92.51 FEET; THENCE SOUTH 38°46'01" EAST 164.71 FEET; THENCE SOUTH 88°20'42" EAST 115.47 FEET TO THE BEGINNING OF A CURVE OF RADIUS 75.00 FEET, THE CENTER OF WHICH LIES TO THE NORTH; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE 220.64 FEET, THE CHORD OF WHICH BEARS SOUTH 82°33'21" EAST 149.24 FEET; THENCE SOUTH 76°46'01" EAST 160.00 FEET; THENCE NORTH 12°46'01" WEST 121.64 FEET; THENCE NORTH 73°25'08" EAST 349.28 FEET TO THE WEST LINE OF THE NORTHEAST ¼ OF SAID SECTION 23; THENCE SOUTH 02°05'06" EAST ALONG THE WEST LINE OF SAID NORTHEAST 1/4 264.78 FEET; THENCE NORTH 88°36'40" EAST 730.00 FEET; THENCE SOUTH 01°21'20" EAST 440.00 FEET; THENCE SOUTH 88°36'40" WEST 1108.81 FEET TO THE PLACE OF BEGINNING. CONTAINING 698,954 SQFT OR 16.0458 ACRES.

SECTION 7. Reclassify the following described land from "Agricultural/Conservation Residential" to "Low Density Residential":

THAT PART OF THE SOUTHEAST ¼ OF SECTION 23, TOWN 9 NORTH, RANGE 20 EAST IN THE VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SECTION OF SAID SECTION 23; THENCE SOUTH 88°29'55" WEST ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER ¼ OF SAID SECTION 23 223.78 FEET TO THE EAST RIGHT-OF-WAY LINE OF THE CANADIAN NATIONAL RAILROAD; THENCE SOUTH 37°49'50" EAST ALONG THE SAID EAST RIGHT-OF-WAY LINE 942.17 TO THE PLACE OF BEGINNING OF THE LANDS HEREINAFTER DESCRIBED: THENCE CONTINUING ALONG THE SAID EAST RIGHT-OF-WAY LINE 700.00 FEET; THENCE NORTH 88°37'59" EAST 140.93 FEET; THENCE NORTH 18°51'41" WEST 143.80 FEET; THENCE NORTH 02°41'27" EAST 122.14 FEET; THENCE NORTH 88°45'41" WEST 237.64 FEET; THENCE NORTH 30°35'11" WEST 223.92 FEET; THENCE NORTH 14°37'06" EAST 187.32 FEET; THENCE NORTH 71°06'51" EAST 180.01 FEET; THENCE NORTH 84°44'56" EAST 151.03 FEET; THENCE NORTH 31°42'23" WEST 54.58 FEET; THENCE NORTH 42°27'10" EAST 92.06 FEET; THENCE SOUTH 79°46'12" EAST 85.00 FEET TO THE BEGINNING OF A CURVE OF RADIUS 75.00 FEET, THE CENTER OF WHICH LIES TO THE SOUTH; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE 112.56 FEET, THE CHORD OF WHICH BEARS NORTH 53°13'24" EAST 102.28 FEET; THENCE NORTH 06°12'59" EAST 154.00 FEET; THENCE SOUTH 77°32'34" EAST 100.00 FEET; THENCE SOUTH 41°01'27" EAST 100.00 FEET; THENCE SOUTH 09°54'04" EAST 185.04 FEET; THENCE NORTH 01°56'51" WEST 535.01 FEET; THENCE SOUTH 52°10'10" WEST 1188.31 FEET TO THE PLACE OF BEGINNING. CONTAINING 248,178 SQFT OR 5.6974 ACRES.

SECTION 8. Reclassify the following described land from "Low Density Residential" to "Medium Density Residential":

THAT PART OF THE SOUTHEAST ¼ OF SECTION 23, TOWN 9 NORTH, RANGE 20 EAST IN THE VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST ¼ OF SAID SECTION 23; THENCE NORTH 02°04'55" WEST ALONG THE EAST LINE OF SAID SOUTHEAST ¼ 889.48 FEET; THENCE SOUTH 87°55'05" WEST 60.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF COUNTRY AIRE DRIVE AND THE PLACE OF BEGINNING OF THE LANDS HEREINAFTER DESCRIBED; THENCE SOUTH 87°54'54" WEST 295.80 FEET; THENCE SOUTH 63°30'02" WEST 230.53 FEET; THENCE SOUTH 56°12'06" WEST 140.38 FEET; THENCE SOUTH 17°41'49" WEST 87.65 FEET; THENCE NORTH 67°39'10" WEST 76.21 FEET; THENCE SOUTH 88°36'31" WEST 583.22 FEET TO THE EAST RIGHT-OF-WAY LINE OF THE CANADIAN NATIONAL RAILROAD; THENCE NORTH 37°49'50" WEST ALONG THE SAID EAST RIGHT-OF-WAY LINE 33.76 FEET; THENCE NORTH 56°22'05" EAST 240.56 FEET TO THE BEGINNING OF A CURVE OF RADIUS 130.00 FEET, THE CENTER OF WHICH LIES TO THE NORTH; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE 127.98 FEET, THE CHORD OF WHICH BEARS SOUTH 61°50'09" EAST 122.88 FEET; THENCE NORTH 89°57'37" EAST 102.59 FEET TO THE BEGINNING OF A CURVE OF RADIUS 330.00 FEET, THE CENTER OF WHICH LIES TO THE NORTH; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE 169.15 FEET, THE CHORD OF WHICH BEARS NORTH 75°16'34" EAST 167.30 FEET; THENCE SOUTH 24°11'31" EAST 122.12 FEET; THENCE NORTH 65°23'33" EAST 65.88 FEET; THENCE NORTH 56°12'06" EAST 140.38 FEET; THENCE NORTH 42°03'12" EAST 29.99 FEET; THENCE NORTH 51°37'18" EAST 78.34 FEET; THENCE NORTH 61°27'18" EAST 78.34 FEET; THENCE NORTH 69°06'37" EAST 78.65 FEET; THENCE NORTH 88°00'16" EAST 277.12 FEET TO THE WEST RIGHT-OF-WAY LINE OF COUNTRY AIRE DRIVE; THENCE SOUTH 02°04'55" EAST ALONG THE SAID WEST RIGHT-OF-WAY LINE 32.43 FEET TO THE PLACE OF BEGINNING. CONTAINING 78,945 SQFT OR 1.8123 ACRES.

SECTION 9. Reclassify the following described land from "Low Density Residential" to "Medium Density Residential":

THAT PART OF THE SOUTHEAST ¼ OF SECTION 23, TOWN 9 NORTH, RANGE 20 EAST IN THE VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST ¼ OF SAID SECTION 23; THENCE NORTH 02°04'55" WEST ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER 794.17 FEET; THENCE SOUTH 87°55'05" WEST 585.72 FEET AND THE PLACE OF BEGINNING OF THE LANDS HEREINAFTER DESCRIBED; THENCE SOUTH 42°03'12" WEST 56.60 FEET; THENCE SOUTH 85°23'33" WEST 86.61 FEET; THENCE NORTH 17°41'49" EAST 24.88 FEET; THENCE NORTH 63°30'02" EAST 121.90 FEET TO THE PLACE OF BEGINNING. CONTAINING 2,058 SQUARE FEET OR 0.0473 ACRES.

SECTION 10. Reclassify the following described land from "Commercial" to "Medium Density Residential":

THAT PART OF THE SOUTHEAST QUARTER ¼ OF SECTION 23, TOWN 9 NORTH, RANGE 20 EAST IN THE VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST ¼ OF SAID SECTION 23; THENCE NORTH 02°04'55" WEST ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER ¼ 150.00 FEET TO THE PLACE OF BEGINNING OF THE LANDS HEREINAFTER DESCRIBED; THENCE SOUTH 87°55'00" WEST 330.00 FEET; THENCE SOUTH 59°28'48" WEST 122.54 FEET; THENCE SOUTH 88°35'03" WEST 846.26 FEET; THENCE NORTH 01°24'57" WEST 260.73 FEET; THENCE NORTH 88°42'05" EAST 454.02 FEET; THENCE SOUTH 02°04'55" EAST 155.00 FEET; THENCE NORTH 88°42'05" EAST 330.00 FEET TO THE EAST LINE OF SAID SOUTHEAST ¼; THENCE SOUTH 02°04'55" EAST ALONG THE SAID EAST LINE 44.15 FEET TO THE PLACE OF BEGINNING. CONTAINING 147,846 SQFT OR 3.3941 ACRES.

SECTION 11. This ordinance shall take effect and be in full force the day after its passage and publication, as provided by law.

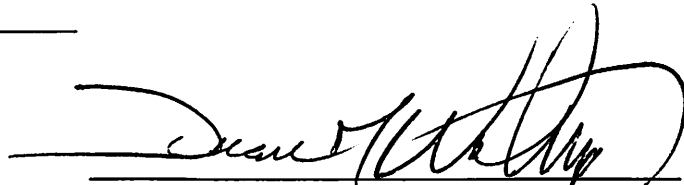
Ordinance 07-2018

Introduced by Trustee: Trustee Baum

Adopted: April 16, 2018


Vote: Ayes: 4

Nays: 3




Dean Wolter, Village President

ATTEST:



Deanna Boldrey, Village Clerk

APPROVED AS TO FORM:

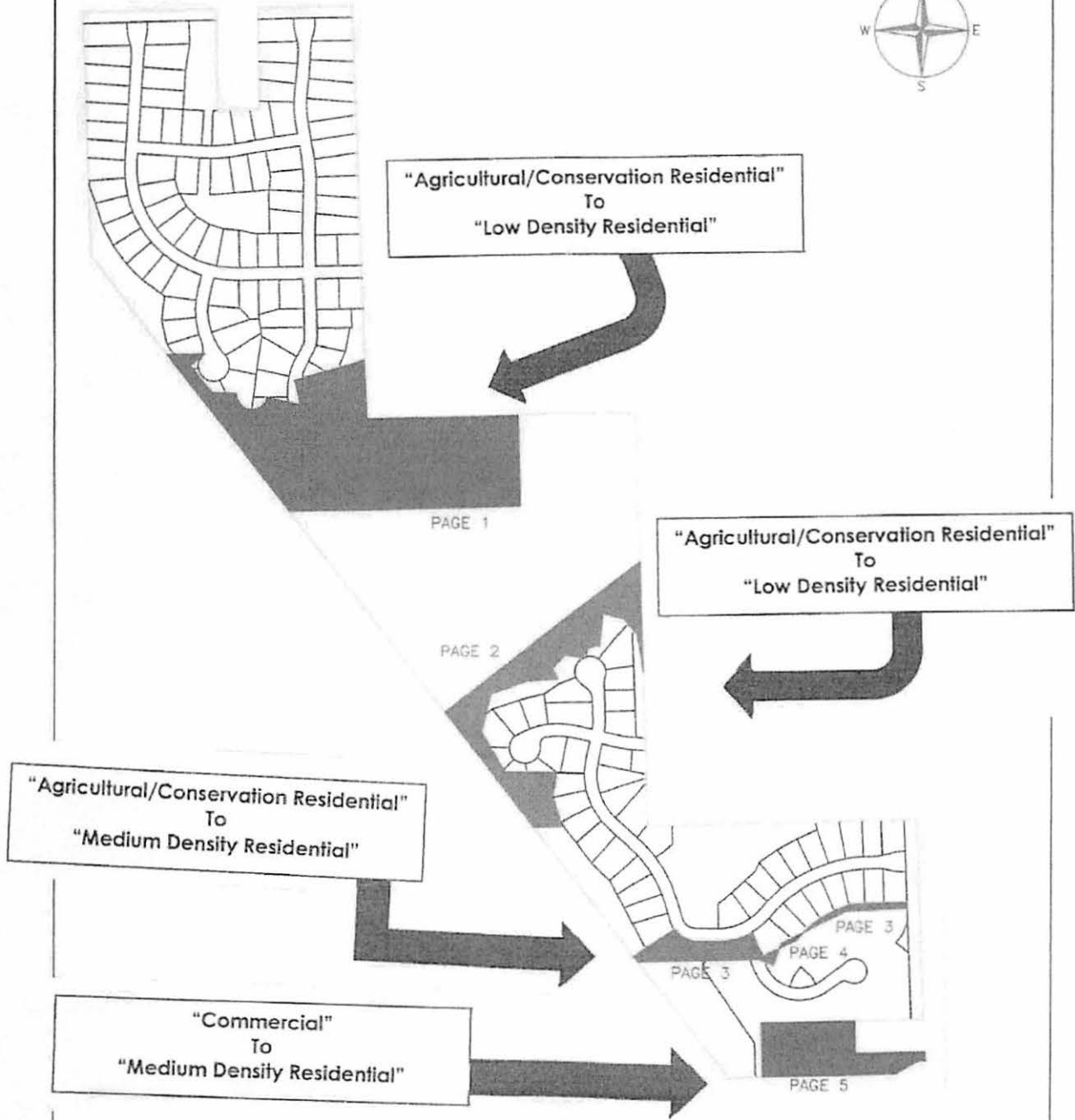


Brian Sajdak, Attorney

Published:

EXHIBIT 1.
BRISCOE PROPERTY
2020 Land Use Plan Map Amendment

EXHIBIT A
WRENWOOD SUBDIVISION
2020 LAND USE PLAN MAP AMENDMENT
(DIFFERENCES BETWEEN ADOPTED CHANGES IN 2007
VERSUS PROPOSED CHANGES IN 2018)



FILE NO: 1701/LANDUSE
PLAN DATE: FEBRUARY 15, 2018

PIONEER ENGINEERING
AND SURVEYING, LLC

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