

# **CITY OF MIDDLETON**

## **TAX INCREMENT FINANCING DISTRICT**

**No. 3**

**Amendment No. 4**

**City Council Action**

**September 19, 2006**

Prepared by:

Vandewalle & Associates  
Madison, Wisconsin

## I. INTRODUCTION

The City of Middleton is proposing a boundary amendment to the current boundary for Tax Increment District #3 (TID #3). This proposed amendment is the second boundary amendment that the City will undertake.

The current State legislation allows a municipality the ability to amend a boundary up to four times within the life of the TID. TID #3 was created in 1991 and the boundary was amended for the first time in 1999.

The purpose of this boundary amendment is to subtract property from the TID. The TID has a current equalized value of \$540,652,800 as of January 1, 2006. The City of Middleton has an equalized value of \$2,494,697,200 as of the same date. The amount of increment within the current TID #3 boundary represents 19.05% of the total equalized value of the City. Current legislation allows only 12% of the total equalized value of the community to be contained within existing or proposed TIDs. Consequently, the City of Middleton cannot consider any boundary amendments (other than pure subtractions) and/or new TIDs until the value within TID #3 is brought below 12%.

The level of success of TID #3 was not originally anticipated to the extent it has attained when the TID was formed in 1993. The City feels that the overlying taxing jurisdictions should benefit from this unprecedented increment generation.

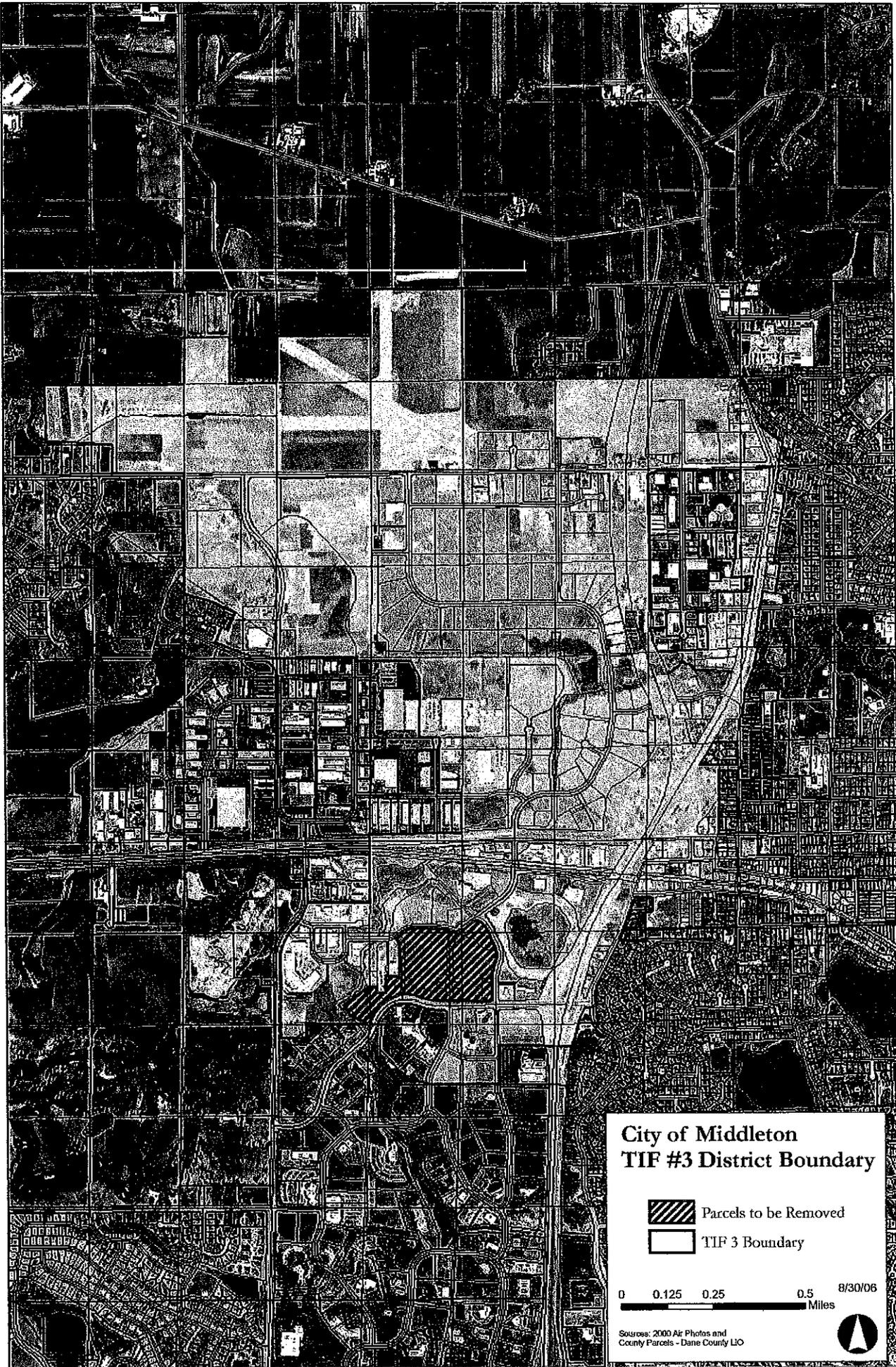
Therefore, this boundary amendment is being proposed strictly to take approximately \$137,000,000 of value out of TID #3 and put it back onto the general tax rolls effective tax collection in 2008.

Amended Map #1 reflects the properties proposed to be subtracted from the district. Table A identifies the actual properties that will be taken out by parcel number and equalized value of land and improvements.

The City has conducted a public hearing in front of the Plan Commission and has received a recommendation to adopt the boundary amendment. After the City Council has adopted a boundary amendment resolution, the Joint Review Board will review the information it receives from the City and determine if statutory requirements are met. The Department of Revenue will then receive a copy of the boundary amendment and appropriate reports from the Clerk and Assessor and recertify the base reflecting the subtraction of these properties.

**CITY OF MIDDLETON  
TID No. 3, Amendment No. 4  
Boundary Adjustment**

<b>Parcel #</b>	<b>Property ID</b>	<b>Address</b>	<b>Total Assessment</b>
104-7690-2	Aspen Commons	1600 Aspen Commons	\$44,607,606
104-7669-2	Raven Building	8476-96 Greenway Blvd.	\$10,815,882
104-7522-2	Macaroni Grill	1611 Deming Way	\$3,278,000
104-7585-2	TGI Fridays	1610 Deming Way	\$2,232,353
104-7564-2	Hilton Gardens	1801 Deming Way	\$10,235,041
104-6142-2	McDonalds	8308 Greenway Blvd.	\$1,175,600
104-7606-2	West Prt of Greenway Ctr	1600-50 Deming Way	\$33,581,151
104-7543-2	East Prt of Greenway Ctr	1601-1753 Deming Way	\$30,536,606
<b>TOTAL ASSESSED VALUATION SUBJECT TO SUBTRACTION</b>			<b>\$136,462,239</b>



### City of Middleton TIF #3 District Boundary

-  Parcels to be Removed
-  TIF 3 Boundary

0 0.125 0.25 0.5 8/30/06  
Miles

Sources: 2000 Air Photos and  
County Parcels - Dane County LIO





July 28, 2006

Bill Reis, Superintendent  
 Middleton-Cross Plains School District  
 7106 South Ave.  
 Middleton, WI 53562

Re: TIF No. 3, Amendment No. 4, City of Middleton, Wisconsin

Dear Mr. Reis:

The City of Middleton is proposing to amend Tax Increment Financing District No. 3 (TID #3) for the purpose of amending the existing boundary by subtracting taxable parcels from the district which will cause these values to be placed on the general tax roll for all taxing jurisdictions to benefit from. The effective date of the tax disbursement will be in 2008. Section 66.1105, Wis. Stats., requires that the City notify all of the affected taxing jurisdictions of the proposed boundary amendment. Enclosed is a copy of the legal notice advertising the public hearings at which the proposed boundary amendment will be considered.

The public hearing is scheduled for Tuesday, August 29, 2006 beginning at 7:00 p.m. Prior to the public hearing, the Joint Review Board is requested to meet at 6:30 p.m. to elect a Chairperson and a member-at-large. Enclosed please find the agenda for that meeting. We ask that you send a representative of your taxing jurisdiction to the Joint Review Board meeting at 6:30 p.m. If your representative cannot attend the Joint Review Board meeting, please assign an alternative representative so that we can be assured of a quorum and proceed with the process of amending the TIF district boundary. We also encourage that representative to attend the Plan Commission public hearing immediately after to hear public input.

Please give your representative a copy of this letter as well as the notice and the agenda.

We will be contacting you to obtain the name and address of your representative as well as to confirm attendance at this meeting.

Sincerely,

CITY OF MIDDLETON

Michael Davis  
 City Administrator

Enclosure: Public Hearing Notice  
 Joint Review Board Agenda

7426 HUBBARD AVENUE • MIDDLETON, WISCONSIN 53562

7426 HUBBARD AVENUE • MIDDLETON, WISCONSIN 53562

CITY OF MIDDLETON



July 28, 2006

Dr. Bettsey Barhorst  
 President, MATC  
 3550 Anderson St.  
 Madison, WI 53704

Re: TIF No. 3, Amendment No. 4, City of Middleton, Wisconsin

Dear Ms. Barhorst:

The City of Middleton is proposing to amend Tax Increment Financing District No. 3 (TID #3) for the purpose of amending the existing boundary by subtracting taxable parcels from the district which will cause these values to be placed on the general tax roll for all taxing jurisdictions to benefit from. The effective date of the tax disbursement will be in 2008. Section 66.1105, Wis. Stats., requires that the City notify all of the affected taxing jurisdictions of the proposed boundary amendment. Enclosed is a copy of the legal notice advertising the public hearings at which the proposed boundary amendment will be considered.

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Please give your representative a copy of this letter as well as the notice and the agenda.

We will be contacting you to obtain the name and address of your representative as well as to confirm attendance at this meeting.

Sincerely,

CITY OF MIDDLETON

Michael Davis  
 City Administrator

Enclosure: Public Hearing Notice  
 Joint Review Board Agenda

CITY OF MIDDLETON • 7426 HUBBARD AVENUE • MIDDLETON, WISCONSIN 53562



July 28, 2006

Ms. Kathleen Falk  
Dane County Executive  
210 Martin Luther King Jr. Blvd.  
City-County Building, Rm 421  
Madison, WI 53703

Re: TIF No. 3, Amendment No. 4, City of Middleton, Wisconsin

Dear Ms. Falk:

The City of Middleton is proposing to amend Tax Increment Financing District No. 3 (TID #3) for the purpose of amending the existing boundary by subtracting taxable parcels from the district which will cause these values to be placed on the general tax roll for all taxing jurisdictions to benefit from. The effective date of the tax disbursement will be in 2008. Section 66.1105, Wis. Stats., requires that the City notify all of the affected taxing jurisdictions of the proposed boundary amendment. Enclosed is a copy of the legal notice advertising the public hearings at which the proposed boundary amendment will be considered.

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Please give your representative a copy of this letter as well as the notice and the agenda.

We will be contacting you to obtain the name and address of your representative as well as to confirm attendance at this meeting.

Sincerely,

CITY OF MIDDLETON

Michael Davis  
City Administrator

Enclosure: Public Hearing Notice  
Joint Review Board Agenda

CITY OF MIDDLETON • 7426 HUBBARD AVENUE • MIDDLETON, WISCONSIN 53562



July 28, 2006

Mayor Doug Zwank  
City of Middleton  
7426 Hubbard Ave.  
Middleton, WI 53562

Re: TIF No. 3, Amendment No. 4, City of Middleton, Wisconsin

Dear Mayor Zwank:

The City of Middleton is proposing to amend Tax Increment Financing District No. 3 (TID #3) for the purpose of amending the existing boundary by subtracting taxable parcels from the district which will cause these values to be placed on the general tax roll for all taxing jurisdictions to benefit from. The effective date of the tax disbursement will be in 2008. Section 66.1105, Wis. Stats., requires that the City notify all of the affected taxing jurisdictions of the proposed boundary amendment. Enclosed is a copy of the legal notice advertising the public hearings at which the proposed boundary amendment will be considered.

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Please give your representative a copy of this letter as well as the notice and the agenda.

We will be contacting you to obtain the name and address of your representative as well as to confirm attendance at this meeting.

Sincerely,

CITY OF MIDDLETON

Michael Davis  
City Administrator

Enclosure: Public Hearing Notice  
Joint Review Board Agenda

CITY OF MIDDLETON  
7426 HUBBARD AVENUE  
MIDDLETON, WISCONSIN 53562

Publish in newspaper  
Publish on August 10 & 17, 2006

PUBLIC NOTICE  
CITY OF MIDDLETON

TO WHOM IT MAY CONCERN:

At a meeting of the City of Middleton Plan Commission to be held on or about 7:00 p.m., Tuesday, August 29, 2006, at City Hall, City of Middleton, a Public Hearing will be held on the proposed boundary amendment for the City of Middleton Tax Increment District #3. A copy of the proposed boundary amendment is available and will be provided upon request at the City Clerk's office at City Hall, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday.

At the Public Hearing, interested parties will be afforded a reasonable opportunity to express their views on the proposed amended project plans.

Michael Davis

City Administrator

**CITY OF MIDDLETON**  
**TIF DISTRICT NO. 3, AMENDMENT NO. 4**  
**JOINT REVIEW BOARD**

Tuesday, August 29, 2006

6:30 P.M.

City Hall

1. Call to order
2. Election of Chairperson
3. Election of Fifth Member-at-large
4. Distribution and initial explanation of TIF District No. 3, Amendment No. 4
5. Other items as allowed by law
6. Set next meeting
7. Adjourn

Notice is hereby given that a majority of the members of the Common Council may attend this meeting to gather information about a subject over which the Common Council has a decision-making responsibility. If a quorum of the Common Council attends this meeting, no action will be taken by the Common Council at this meeting.

Any person who has a qualifying disability as defined by the American With Disabilities Act that requires the meeting or materials at the meeting to be in an accessible location or format must contact the City Administrator at (608)827-1050, 7426 Hubbard Ave., Middleton, WI at least 24 hours prior to the commencement of the meeting so that any necessary arrangements can be made to accommodate each request.

For more information, contact: Eileen Kelley, City Planner & Zoning Administrator  
Phone: 827-1070 Fax: 827-1080 E-mail: [ekelley@ci.middleton.wi.us](mailto:ekelley@ci.middleton.wi.us)



(608) 827-1070  
FAX (608) 827-1080

July 28, 2006

Middleton Times-Tribune  
ATTN: Diane

Re: **Legal Notice for City of Middleton**

Dear Diane:

Attached please find the legal notice that should be published on **both Thursdays**, August 10 & 17, 2006. After publication, please send a proof of publication directly to my office at the stated address. The proof of publication should contain information detailing the dates of publication and a copy of the actual notice. Also bill us at the same address.

If you have any questions or need additional information, please do not hesitate to contact my office.

Sincerely,

CITY OF MIDDLETON

Michael Davis  
City Administrator

Attachment

*emailed  
7-28-06*

MIDDLETON, WISCONSIN 53562

7426 HUBBARD AVENUE

761-1100

# STATE OF WISCONSIN

Judy Bergum

being duly sworn, doth depose and say that he/she is an authorized representative of the

**NEWS-SICKLE-ARROW**

**SAUK-PRAIRIE STAR**

**MIDDLETON TIMES-TRIBUNE**

**MOUNT HOREB MAIL**

**POST MESSENGER**

a weekly newspaper published at

Middleton WI

in Dane County,

and that an advertisement of which the annexed is a true copy, taken from said paper, was published therein on

Aug 10, 2006

Aug 17, 2006

**PUBLIC NOTICE  
CITY OF MIDDLETON**

TO WHOM IT MAY CONCERN:

At a meeting of the City of Middleton Plan Commission to be held on or about 7:00 p.m., Tuesday, August 29, 2006, at City Hall, City of Middleton, a Public Hearing will be held on the proposed boundary amendment for the City of Middleton Tax Increment District #3. A copy of the proposed boundary amendment is available and will be provided upon request at the City Clerk's office at City Hall, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday.

At the Public Hearing, interested parties will be afforded a reasonable opportunity to express their views on the proposed amended project plans.

Publish: 8-10-06, 8-17-06  
WNAXLP

Michael Davis  
City Administrator

SIGNED

Judy Bergum

DATED

8-17-06

Diane Baumgartner  
Notary Public, State of Wisconsin

My Commission Expires \_\_\_\_\_

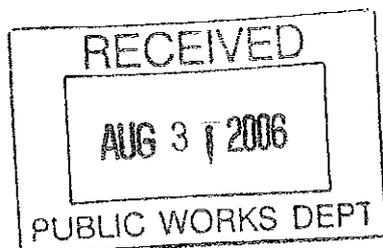
# of. Lines \_\_\_\_\_ Weeks Published \_\_\_\_\_

Printers Fee \$ \_\_\_\_\_

Proof of Publication \$ \_\_\_\_\_

Total \$ \_\_\_\_\_

Received Payment \_\_\_\_\_



**MINUTES**  
**JOINT REVIEW BOARD, TIF DISTRICT #3**  
**CITY OF MIDDLETON**  
**TUESDAY AUGUST 29, 2006 6:30 P.M.**

**PRESENT:** David Gawenda, Mary Rapp, Tom Engle, Kurt Sonnentag

**ALSO PRESENT:** Susan Hoeft, Eileen Kelley, Tim Studer, Mike Davis

As the City's representative on the board, Sonnentag called the meeting to order at 6:55 p.m.

Moved by Gawenda, seconded by Rapp, to nominate Sonnentag as the Chairperson of the Joint Review Board, TIF District #3. Motion carried, 4-0.

Moved by Gawenda, seconded by Engle, to appoint Carol Biendsell as the citizen member-at-large for the Joint Review Board. Motion carried, 4-0. At this time Biendsell joined the meeting.

Susan Hoeft, of Vandewalle & Associates, briefly explained the proposed amendment to TIF District #3, and stated that as a consultant to the City, she is reviewing the potential for new areas to be added to the district. Gawenda asked how the City decided what properties should be subtracted. It was noted that the properties proposed to be subtracted are already built on. Gawenda also requested that a cash flow projection be provided for the next meeting. Sonnentag noted that this is the first stage of a two to three stage process for evaluation of TID #3.

It was agreed that the next meeting of the Joint Review Board will be held on Tuesday, October 17 at 3:00 p.m.

City Administrator Mike Davis thanked the joint review board members for agreeing to serve on the board.

Moved by Gawenda, seconded by Rapp, to adjourn the meeting at 7:15 p.m.

*Eileen Kelley*

**MINUTES**  
**SPECIAL MIDDLETON PLAN COMMISSION**  
**TUESDAY AUGUST 29, 2006 7:00 P.M.**

**PRESENT:** Zwank, Wexler, Sonnentag, Grosse, Kruser, White, Zellers  
**ALSO PRESENT:** Kelley

1. **Public Hearing – Proposed Boundary Amendment for Tax Increment District #3**

Chairman Zwank opened the public hearing at 7:18 p.m. and there being no public comment, immediately closed the hearing.

2. **Proposed Boundary Amendment for Tax Increment District #3**

Consultant Susan Hoeft explained the proposed amendment. She reviewed the properties proposed to be subtracted from the district, and noted that although the map presented in the draft plan had two errors, the table listing the properties is accurate.

Ms. Hoeft also reviewed the three aspects of the City's contract with Vandewalle & Associates for assistance with TID #3, including the current proposed boundary amendment, the evaluation of three potential TIF projects, and the evaluation of the potential to subtract and then add additional land elsewhere in the City.

Moved by Wexler, seconded by Sonnentag, to recommend approval of the boundary amendment as presented to the Common Council. Motion carried 7-0.



*Eileen Kelley*

*Note: These minutes were prepared by Eileen Kelley, City Planner & Zoning Administrator. These minutes are based on the notes of the recorder and are subject to change at a subsequent meeting.*

RESOLUTION NO. 2006- 39

RESOLUTION AMENDING TAX INCREMENT DISTRICT NO. 3  
PROJECT PLAN AND BOUNDARIES

WHEREAS, the City of Middleton Plan Commission has prepared and adopted an Amendment to the Project Plan for Tax Increment District No. 3, which subtracts territory from the District in a way that does not remove contiguity from the District; and

WHEREAS, the Plan Commission has held a public hearing on Tuesday, August 29, 2006, on the proposed Project Plan amendment and the proposed boundary amendments thereof; and

WHEREAS, the City of Middleton has notified the Chief Executive Office of the Middleton-Cross Plains School District, the Dane County Board and the Madison Area Technical College, representing the entities having power to levy taxes on property located within TID No. 3 pursuant to Wis. Stats. § 66.1105(4)(a); and

WHEREAS, the City Plan Commission has submitted such Amended Project Plan to the Common Council of the City of Middleton;

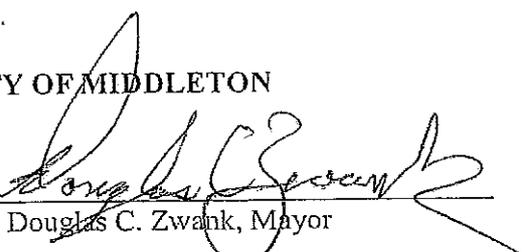
NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Middleton as follows:

1. Amendment No. 4 to Tax Increment District No. 3, including the text and boundary map included therein in the form attached hereto as Exhibit "A" is hereby approved in accordance with Wis. Stats. § 66.1105(4)(h)2.
2. Such Amended Project Plan for Tax Increment District No. 3 remains feasible after subtraction of the properties as set forth in the said Project Plan amendment.
3. The Amended Project Plan for TID No. 3 is in conformity with the Comprehensive Plan of the City of Middleton, as well as other policies and laws of the City of Middleton.

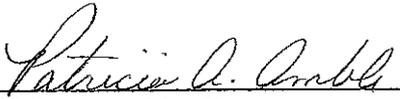
This Resolution shall take effect upon approval by the Joint Review Board pursuant to Wis. Stats. § 66.1105(4m).

This Resolution was duly adopted at a regular meeting of the Common Council of the City of Middleton on the 19 day of September 2006.

CITY OF MIDDLETON

By:   
Douglas C. Zwank, Mayor

ATTEST:

  
\_\_\_\_\_  
Patricia A. Amble, Clerk

Ayes: 6  
Noes: 0  
Adopted: 7/19/04



### City of Middleton TIF #3 District Boundary

-  Parcels to be Removed
-  TIF 3 Boundary

0 0.125 0.25 0.5 8/30/06  
Miles

Sources: 2000 Air Photos and  
County Parcels - Dane County LIO



JOINT REVIEW BOARD

TIF DISTRICT NO. 3  
AMENDMENT NO. 4

CITY OF MIDDLETON

INFORMATION AND PROJECTIONS

Wisconsin state law requires that certain information and projections be provided to the Joint Review Board. The contents are listed in Section 66.1105(4m)(c)(1), Wis. Stats.

(i) *The local legislative body shall provide the joint review board with the following information and projections:*

1. *The specific items that constitute the project costs, the total dollar amount of these project costs to be paid with the tax increments, and the amount of tax increments to be generated over the life of the tax incremental district.*

Response:

Activities for TIF District No. 3 have not changed from Amendment No. 3. No project costs were added to Amendment No. 4. Consequently, there is no additional dollar amount of project costs to be paid with the tax increments. The estimated amount of tax increments to be generated over the life of the district remain as presented in Amendment No. 3.

2. *The amount of the value increment when the project costs in subd. 1 are paid in full and the tax incremental district is terminated.*

Response:

No change from Amendment No. 3. However, because approximately \$137,000,000 of taxable value is coming onto the tax rolls in 2007 with tax collection in 2008, each taxing jurisdiction will benefit from that additional tax base. The individual estimated taxing jurisdiction benefit is itemized in No. 4 below.

3. *The reasons why the project costs in subd. 1 may not or should not be paid by the owners of property that benefits by improvements within the tax incremental district.*

Response:

No change from Amendment No. 3.

4. *The share of the projected tax increments in subd. 1 estimated to be paid by the owners of taxable property in each of the taxing jurisdictions overlying the tax incremental district.*

Response:

With the additional \$137,000,000 of taxable value returning to the overlying taxing jurisdictions, based on the 2005/payable in 2006 tax levy, each taxing jurisdiction will benefit to this approximate ANNUAL amount, subject to the actual levy in 2007, payable in 2008:

State of Wisconsin	1.1%	\$ 28,862
Dane County	14.72%	386,220
Middleton/CP School District	48.11%	1,262,298
Madison Area Technical College	7.41%	194,422
City of Middleton	28.58%	749,875

(Discrepancies may occur due to rounding)

TID #3's statutory-required retirement year is 2020. The overlying taxing jurisdictions are benefiting from this subtraction by collecting tax revenues from 2008 through 2020 or 13 additional years. That tax collection equals the following economic benefit to each overlying taxing jurisdiction (subject to annual appropriations and tax levies):

State of Wisconsin	13 years	\$ 375,206
Dane County	13 years	5,020,860
Middleton/CP School District	13 years	16,409,874
Madison Area Technical College	13 years	2,527,486
City of Middleton	13 years	9,748,375

5. *The benefits that the owners of taxable property in the overlying taxing jurisdictions will receive to compensate them for their share of the project tax increments in subd. 4.*

Response:

In short, each taxing jurisdiction will receive the economic benefit listed in #4 above because of the City's determination to subtract the subject properties out of the TID boundary.

JOINT REVIEW BOARD

TIF DISTRICT NO. 3  
AMENDMENT NO. 4

CITY OF MIDDLETON

DECISION CRITERIA

Under the Wisconsin Statutes, Joint Review Boards must base their decision to approve or deny a proposed tax incremental district plan and boundary designation on the following criteria:

- A. *Whether the development expected in the tax incremental district would occur without the use of tax incremental financing;*
- B. *Whether the economic benefits of the tax incremental district, as measured by increased employment, business and personal income and property value are insufficient to compensate for the cost of improvements; and*
- C. *Whether the benefits of the proposal outweigh the anticipated tax increments to be paid by the owners of property in the overlying tax districts.*

This report has been prepared to address those criteria by providing some information and data on the impact of TIF District No. 3 on the City of Middleton. The criteria are addressed in turn below.

- A. TID #3 is one of the most successful TIDs in the State of Wisconsin's history of tax increment financing. "But for TIF", the development would not have occurred. Because of this success, the City is subtracting territory out that is not needed to recover debt service payments and is returning this taxable property to the overlying taxing jurisdictions for all to share.
- B. This clause has no bearing on this amendment.
- C. This clause has no bearing on this amendment.

**RESOLUTION APPROVING CITY COUNCIL RESOLUTION  
AMENDING TIF DISTRICT NO. 3  
BOUNDARY**

**CITY OF MIDDLETON, WISCONSIN**

**WHEREAS**, the Joint Review Board for Tax Incremental District No. 3, Amendment No. 4, City of Middleton, Wisconsin, has reviewed the public record, planning documents, and resolution related to the boundary amendment for TIF District No. 3, Amendment No. 4, City of Middleton, Wisconsin; and

**WHEREAS**, the Joint Review Board for Tax Incremental District No. 3, Amendment No. 4, City of Middleton, Wisconsin has received in an open meeting additional information from the City of Middleton staff regarding the project plan for Tax Incremental District No. 3, Amendment No. 4, City of Middleton, Wisconsin.

**NOW, THEREFORE, BE IT RESOLVED** that the Joint Review Board approves Resolution 2006-39 adopted by the City Council of the City of Middleton on September 19, 2006, and finds as follows:

1. The development that has occurred in TIF District No. 3, City of Middleton, Wisconsin, would not occur without the use of tax incremental financing;
2. The economic benefits of TIF District No. 3, City of Middleton, Wisconsin, as measured by increased employment, business, personal income, and property value, are insufficient to compensate for the cost of the improvements;
3. The benefits of the proposal outweigh the anticipated tax increments to be paid by the owners of property in the overlying taxing districts.

Adopted this 17<sup>th</sup> day of October, 2006.

JOINT REVIEW BOARD  
TAX INCREMENTAL DISTRICT No. 3  
AMENDMENT No. 4  
CITY OF MIDDLETON, WISCONSIN

  
Kurt Sonnentag, Chair

3 November 2006

Hon. Douglas C. Zwank  
Mayor, City of Middleton  
7426 Hubbard Avenue  
Middleton, WI 53562

Re: City of Middleton Tax Increment District No. 3  
Project Plan Amendment No. 4

Dear Mayor Zwank:

As requested, we have acted as counsel to the City of Middleton, a Wisconsin municipal corporation, in connection with the adoption of Amendment No. 4 to the Middleton Tax Increment District No. 3, a Wisconsin Tax Increment District created in 1993 pursuant to Wis. Stats. 1991 § 66.46.

In our capacity as counsel to the City of Middleton, we have examined originals (or copies identified to our satisfaction as identical to the originals) of the following documents:

1. Amendment No. 3 to Project Plan for Tax Increment District No. 3, as dated August 29, 2006;
2. Notice of Public Hearing relating to adoption of the said Amendment No. 4;
3. Minutes of Middleton Plan Commission dated August 29, 2006 related to said public hearing;
4. Resolution No. 2006-39 of the Middleton Common Council relating to approval of the said Amendment No. 4;
5. Notices to Chief Executive Officers or administrators of all local governmental entities having power to levy taxes on property within the said Tax Increment District No. 4;
6. Minutes of meetings of Joint Review Board relating to the said Amendment No. 4;

Hon. Douglas C. Zwank  
3 November 2006  
Page 2

7. Decision of Joint Review Board on the said Amendment No. 4 dated October 17, 2006.

Based upon the foregoing, and pursuant to Wis. Stats. 2003-2004 § 66.1105(4)(f), it is our opinion that the Project Plan for Tax Increment District No. 3, as revised by Amendment No. 4 to said Project Plan, is complete and complies with Wis. Stats. 2003-2004 § 66.1105(4)(f).

We render no opinion with regard to accuracy, validity or sufficiency of any statements and/or findings contained in the said Amendment No. 4, since these were prepared by City staff and consultants rather than by our office.

Very truly yours,



Lawrence E. Bechler

LEB:kka  
200738  
Zwank TIF ltr

**LEGAL DESCRIPTION FOR  
TIF III SUBTRACTION**

Part of the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ , the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ , the Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ , the Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ , and the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , Section 10, T7N, R8E, City of Middleton, Dane County Wisconsin, more particularly described as follows:

Beginning at the South  $\frac{1}{4}$  corner of said Section 10;

thence N62°55'02"W, 285.01 feet;

thence N37°38'05"W, 135.80 feet;

thence N04°13'48"E, 59.45 feet;

thence N53°07'09"E, 171.36 feet;

thence N55°21'21"E, 239.49 feet to the southwest corner of CSM 4748;

thence S89°54'03"E, 107.92 feet to the southeast corner of CSM 4748;

thence S00°00'00"W, 81.11 feet;

thence S90°00'00"E, 133.34 feet;

thence N00°00'00"W, 86.33 feet;

thence S90°00'00"E, 14.08 feet;

thence N00°00'00"W, 24.25 feet;

thence N90°00'00"W, 14.08 feet;

thence N00°00'00"W, 160.10 feet;

thence S90°00'00"E, 8.58 feet;

thence N00°00'00"W, 47.83 feet;

thence N90°00'00"W, 8.58 feet;

thence N00°00'00"W, 433.90 feet to the southerly right-of-way of Market St;

thence 28.61 feet along said southerly right-of-way and curve to the left of radius 292.80 feet whose long chord bears N78°15'18"E, 28.60 feet;

thence S00°00'00"E, 517.45 feet;

thence N90°00'00"E, 205.44 feet;

thence N00°00'00"E, 415.20 feet to the beginning of a curve to the left;

thence 166.72 feet along said curve of radius 290.00 feet whose long chord bears N16°28'10"W, 164.43 feet;

thence N32°56'21"W, 24.88 feet to the southerly right-of-way of Market St;

thence N57°03'43"E, 97.71 feet along said southerly right-of-way;

thence 164.98 feet along said southerly right-of-way and curve to the right of radius 287.00 feet whose long chord bears N73°31'54"E, 162.72 feet;

thence N90°00'00"E, 345.26 feet continuing along said right-of-way to the beginning of a curve to the right;

thence 167.79 feet along said right-of-way and curve of radius 517.00 feet whose long chord bears S80°42'08"E, 167.06 feet to a point of compound curvature at the intersection with the westerly right-of-way of Deming Way;

thence S78°37'17"E, 143.51 feet across Deming Way to the easterly right-of-way of Deming Way;

thence 77.29 feet along said easterly right-of-way and curve to the right of radius 410.00 feet whose long chord bears N48°16'59"E, 77.17 feet;

thence N53°42'14"E, 203.31 feet continuing along said right-of-way to the beginning of a curve to the right;

thence 68.86 feet along said right-of-way and curve of radius 55.00 feet whose long chord bears N89°34'12"E, 64.45 feet to a point of compound curvature at the intersection with John Q Hammons Dr;

thence 200.94 feet along the westerly said right-of-way of John Q Hammons Dr and curve to the right of radius 410.00 feet whose long chord bears S40°31'26"E, 198.93 feet;

thence S19°28'08"E, 100.02 feet continuing along said westerly right-of-way;

thence S25°45'51"E, 78.81 feet continuing along said right-of-way;

thence S23°18'38"E, 52.17 feet continuing along said right-of-way to the beginning of a curve to the left;

thence 17.77 feet along said right-of-way and curve of radius 55.00 feet whose long chord bears S32°34'05"E, 17.70 feet to a point of compound curvature;

thence 22.85 feet continuing along said right-of-way and curve to the right of radius 45.00 feet whose long chord bears S27°16'49"E, 22.60 feet to point of compound curvature;

thence 181.14 feet continuing along said right-of-way and curve to the right of radius 409.38 feet whose long chord bears S00°03'33"E, 179.65 feet;

thence S17°31'19"W, 105.24 feet continuing along said westerly right-of-way;

thence S12°36'58"W, 120.47 feet along said westerly right-of-way;

thence S00°54'03"E, 83.47 feet along said westerly right-of-way;

thence S01°02'50"E, 247.01 feet along said westerly right-of-way to a point of curvature at the intersection with the northerly right-of-way of Greenway Blvd;

thence 42.87 feet along said intersecting right-of-way and curve of radius 30.00 feet whose long chord bears S39°54'06"W, 39.31 feet to the northerly right-of-way of Greenway Blvd;

thence S80°49'01"W, 30.55 feet along said northerly right-of-way;

thence S88°56'49"W, 94.00 feet continuing along said northerly right-of-way;

thence N01°03'11"W, 4.00 feet continuing along said right-of-way;

thence S88°58'22"W, 82.73 feet continuing along said right-of-way;

thence N01°01'38"W, 6.00 feet continuing along said right-of-way;

thence S88°58'22"W, 307.57 feet continuing along said right-of-way;

thence N88°41'45"W, 167.03 feet across the intersecting right-of-way of Deming Way;

thence S88°57'14"W, 77.48 feet continuing along the northerly right-of-way of Greenway Blvd to the beginning of a curve to the right;

thence 135.08 feet along said northerly right-of-way and curve of radius 417.50 feet whose long chord bears N81°46'38"W, 134.50 feet;

thence N72°30'30"W, 159.68 feet continuing along said right-of-way to the beginning of a curve to the left;

thence 316.87 feet along said northerly right-of-way and curve of radius 550.50 feet whose long chord bears N88°59'53"W, 312.51 feet;

thence S15°29'18"E, 16.00 feet continuing along said right-of-way to the beginning of a curve to the left;

thence 458.28 feet along said northerly right-of-way and curve of radius 534.50 feet whose long chord bears S49°56'57"W, 444.37 feet;

thence S25°23'12"W, 130.07 feet continuing along said northerly right-of-way;

thence S89°34'38"W, 2.78 feet to the Point of Beginning.

The described area includes 1,618,429 square feet, being 37.154 acres.