

**TOWN OF BERRY  
RESOLUTION NO. 2016-4**

A RESOLUTION APPROVING NOTICE OF INTENT TO ENACT A  
ZONING ORDINANCE PURSUANT TO SECTION 60.23(34)(a), WIS. STATS.

**WHEREAS**, 2015 Wisconsin Act 178, as signed by the Governor, created statutory provisions which give towns in counties with a certain minimum population (which includes Dane County) the authority to withdraw from the zoning jurisdiction of the county under certain circumstances; and,

**WHEREAS**, new Section 60.23(34), Wis. Stats., provides the mechanism for this withdrawal, including removing Dane County's land division review authority and clarifying that Dane County has no authority to reject, or adopt in part, town comprehensive plans; and,

**WHEREAS**, the Town of Berry, Dane County, Wisconsin (the "Town") wishes to take greater control of comprehensive planning, land use divisions, development and zoning within the Town, to better effect its Comprehensive Town Plan, for the benefit of its residents; and,

**WHEREAS**, Section 60.23(34)(b)1., Wis. Stats., allows and requires Dane County towns wishing to leave Dane County Zoning to provide notice that the town intends to enact an ordinance under Section 60.23(34)(a), Wis. Stats., in order to withdraw from coverage of the Dane County zoning code and Dane County development plan and to reserve the option to withdraw, pursuant to the statutes' requirements; and,

**WHEREAS**, providing this notice serves only to preserve a town's ability to withdraw, but does not require that withdrawal must occur; and,

**WHEREAS**, the Town Board desires to provide the Notice of Withdrawal, as required by law, to provide the notice contemplated by the statute; to commence evaluation of the possibility of withdrawal, and to preserve the option to withdraw from coverage of the Dane County zoning code and the Dane County development plan [also known as the Dane County Comprehensive Plan], and from the jurisdiction of land division review or approval by Dane County; and,

**WHEREAS**, such withdrawal does not affect either the extra-territorial land division or zoning authority of the municipalities adjacent to the Town, and does not in any way affect boundary, planning, or other agreements the Town may have with those municipalities.

**NOW, THEREFORE**, the Town Board of Supervisors, hereby resolves as follows:

Section 1. The Notice attached hereto as Exhibit A is hereby approved for use.

Section 2. The Town Board Chair and Town Clerk are authorized to execute Exhibit A on behalf of the Town, and the Clerk shall then distribute this Notice as provided by law.

Section 3. This Resolution shall be construed liberally as providing Dane County and all other Towns with any and all notice required by sec. 60.23(34)(b)1, Wis. Stats.

The above and foregoing Resolution was duly adopted by the Town Board of Supervisors of the Town of Berry, Dane County, Wisconsin, at a regular meeting held on July 18, 2016, by a vote of \_\_\_ ayes and \_\_\_ nays, with \_\_\_ members absent.

TOWN OF BERRY

Approved:

By: \_\_\_\_\_  
Town Board Chair

Attest: \_\_\_\_\_  
Town Clerk-Treasurer

APPROVED: \_\_\_\_\_

POSTED: \_\_\_\_\_

EXHIBIT A



9046 State Road 19, Mazomanie, WI 53560, 608-767-4152, twnberry@chorus.net

NOTICE

**INTENT TO ENACT A  
ZONING ORDINANCE PURSUANT TO  
SECTION 60.23(34)(a), WIS. STATS.**

TO: Dane County Clerk  
Dane County Town Clerks and Chairs

**PLEASE TAKE NOTICE**, pursuant to section 60.23(34)(b)1., Wis. Stats., that the TOWN OF BERRY, DANE COUNTY, WISCONSIN (the "Town"), as authorized by action of its Town Board after the recommendation of the Town Plan Commission, hereby provides this **Notice** that the Town intends to enact an ordinance under section 60.23(34)(a), Wis Stats, in order to withdraw the Town from coverage of the Dane County Zoning Ordinance and the Dane County Development Plan.

Dated: July 19, 2016

TOWN OF BERRY

By: \_\_\_\_\_  
Town Board Chair

Attest: \_\_\_\_\_  
Town Clerk

CERTIFICATION OF NOTICE

I, Brenda Kahl, the Town Clerk of the Town of Berry, hereby certify that on the 19<sup>th</sup> day of July, 2016, I sent a true copy of the foregoing "Notice of Intent To Enact A Zoning Ordinance Pursuant to Sec. 60.23 (34)(b) 1., Wis. Stats., by depositing envelopes with sufficient postage in the US Mail, addressed to Scott McDonell, Dane County Clerk, and to the Town Clerks of all 33 Towns in Dane County.

\_\_\_\_\_  
Town Clerk

AFFIDAVIT OF MAILING

STATE OF WISCONSIN )  
 ) ss.  
COUNTY OF DANE )

BRENDA KAHL, being first duly sworn on oath, deposes and says:

1. I am a resident of Dane County, Wisconsin and am the Clerk/Treasurer for the Town of Berry, Dane County, Wisconsin.
2. I make this affidavit in connection with the Notice, Intent to Enact a Zoning Ordinance Pursuant to Section 60.23(34)(a), Wis. Stats., within the Town of Berry, Dane County, Wisconsin as dated July 19, 2016.
3. On the 19<sup>th</sup> day of July, 2016, I duly mailed one copy of the Notice, Intent to Enact a Zoning Ordinance Pursuant to Section 60.23(34)(a), Wis. Stats., within the Town of Berry, Dane County, Wisconsin (copy attached hereto as Exhibit A) to each of those individuals and addresses on the list at Exhibit B.

\_\_\_\_\_  
Brenda Kahl

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_ 2016.

\_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission expires: \_\_\_\_\_

Exhibit A: Notice  
Exhibit B: Mailing List

CLERK  
TOWN OF ALBION  
JULIE HANEWALL  
620 ALBION ROAD  
EDGERTON, WI 53534

CLERK  
TOWN OF BLOOMING GROVE  
MICHAEL WOLF  
1880 S STOUGHTON ROAD  
MADISON, WI 53716

CLERK  
TOWN OF BURKE  
BRENDA AYERS  
5365 REINER ROAD  
MADISON, WI 53718

CLERK  
TOWN OF CROSS PLAINS  
NANCY MEINHOLZ  
3734 COUNTY ROAD P  
CROSS PLAINS, WI 53528

CLERK  
TOWN OF DUNKIRK  
MELANIE HUCHTHAUSEN  
654 COUNTY ROAD N  
STOUGHTON, WI 53589

CLERK  
TOWN OF MAZOMANIE  
MELISSA LOHRE  
711 W HUDSON STREET  
MAZOMANIE, WI 53560

CLERK  
TOWN OF MONTROSE  
JULIE BIGLER  
1341 DIANE AVENUE  
BELLEVILLE, WI 53508

CLERK  
TOWN OF PLEASANT SPRINGS  
MARIA HOUGAN  
2354 COUNTY ROAD N  
STOUGHTON, WI 53589

CLERK  
TOWN OF RUTLAND  
DAWN GEORGE  
4177 OLD STAGE ROAD  
BROOKLYN, WI 53521

CLERK  
TOWN OF SUN PRAIRIE  
JO ANN RAMSFIELD  
5556 TWIN LANE ROAD  
MARSHALL, WI 53559

CLERK  
TOWN OF BERRY  
BRENDA KAHL  
9046 STATE ROAD 19  
MAZOMANIE, WI 53560

CLERK  
TOWN OF BLUE MOUNDS  
HELEN KAHL  
10566 Blue Vista Road  
MT. HOREB, WI 53517

Clerk  
TOWN OF CHRISTINA  
SANDRA EVERSON  
773 KOSHKONONG ROAD  
CAMBRIDGE, WI 53523

CLERK  
TOWN OF DANE  
ANGIE VOLKMAN  
7003 LAVINA ROAD  
DANE, WI 53529

CLERK  
TOWN OF DUNN  
CATHY HASSLINGER  
4156 COUNTY ROAD B  
MCFARLAND, WI 53558

CLERK  
TOWN OF MEDINA  
PATRICK LEMAHIEU  
PO BOX 37  
MARSHALL, WI 53559

CLERK  
TOWN OF OREGON  
DENISE ARNOLD  
1138 UNION ROAD  
OREGON, WI 53575

CLERK  
TOWN OF PRIMROSE  
RUTH HANSEN  
8468 County Road A  
Verona, WI 53593

CLERK  
TOWN OF SPRINGDALE  
VICKI ANDERSON  
2379 TOWN HALL ROAD  
MT. HOREB, WI 53572

CLERK  
TOWN OF VERMONT  
KAREN CARLOCK  
4017 County Road JJ  
BLACK EARTH, WI 53515

CLERK  
TOWN OF BLACK EARTH  
DAYNA DREIS  
PO BOX 426  
BLACK EARTH, WI 53515

CLERK  
TOWN OF BRISTOL  
SANDRA KLISTER  
7747 County Road N  
Sun Prairie, WI 53590

CLERK  
TOWN OF COTTAGE GROVE  
KIM BANIGAN  
4058 County Road  
COTTAGE GROVE, WI 53527

CLERK  
TOWN OF DEERFIELD  
KIM GROB  
838 London Road  
DEERFIELD, WI 53531

CLERK  
TOWN OF MADISON  
RENEE SCHWASS  
2120 FISH HATCHERY ROAD  
MADISON, WI 53713

CLERK  
TOWN OF MIDDLETON  
DAVID SHAW  
7555 W OLD SAUK ROAD  
VERONA, WI 53593

CLERK  
TOWN OF PERRY  
MARY PRICE  
1004 STATE ROAD 78  
MT HOREB, WI 53572

CLERK  
TOWN OF ROXBURY  
ROBERT PINGS  
9203 COUNTY ROAD Y  
SAUK CITY, WI 53583

CLERK  
TOWN OF SPRINGFIELD  
CAROLYN HACKER  
6157 COUNTY ROAD P  
DANE, WI 53529

CLERK  
TOWN OF VERONA  
JOHN WRIGHT  
335 N NINE MOUND ROAD  
VERONA, WI 53593

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CLERK  
TOWN OF VIENNA  
7161 COUNTY ROAD I  
DEFOREST, WI 53532

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CLERK  
TOWN OF WESTPORT  
THOMAS WILSON  
5387 MARY LAKE ROAD  
WAUNAKEE, WI 53597  
  
Scott McDonell, Dane County Clerk  
ROOM 106A  
CITY-COUNTY BUILDING  
210 MARTIN LUTHER KING, JR. BLVD.  
MADISON, WISCONSIN 53703-3342

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CLERK  
TOWN OF YORK  
NICOLE BRONKHORST  
398 SUN PRAIRIE ROAD  
WATERLOO, WI 53594  
  
Mark Hazelbaker  
Dane County Towns Association  
Kasieta Legal Group, LLC  
559 D'Onofrio Drive, Suite 222  
Madison, WI 53719

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