

ORDINANCE NO. 2166-09
by the Plan Commission

**AN ORDINANCE REZONING PART OF LILLY HEIGHTS PARK CURRENTLY
ZONED “R-3” SINGLE-FAMILY RESIDENCE DISTRICT AND PARTIALLY “REC”
RECREATION DISTRICT TO ALL “REC” RECREATION DISTRICT**

WHEREAS, The *Park and Open Space Plan for the City of Brookfield: 2020* (Plan) states Lilly Heights Park could serve the functions of a district park; and

WHEREAS, On February 4, 2008 the City Parks and Recreation Commission passed a resolution stating the recreational needs of the community could best be served by developing Lilly Heights Park as a district park and further resolved that the Plan be amended to reflect the resolution; and

WHEREAS, On December 16, 2008 and upon recommendation from the City Plan Commission the Common Council adopted and approved Resolution No. 7990-08 amending the Year 2020 Master Plan and designating Lilly Heights Park a “district park”; and

WHEREAS, it is the lawful purpose of the Common Council of the City of Brookfield to promote the health, safety, morals, and general welfare of the City by enacting zoning ordinances; and

WHEREAS, the Common Council of the City of Brookfield duly held a public hearing before the Common Council on January 20, 2009, which was published as a Class II notice; and

WHEREAS, on February 9, 2009, the Plan Commission of the City of Brookfield recommended rezoning Lilly Heights Park from “R-3” Single-family Residence District and “REC” Recreation District to entirely “REC” District in order to permit park use and to make zoning of the lands consistent with the adopted land use.

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

PART I. Rezone that part of Lilly Heights Park currently zoned “R-3” Single-family Residence District and partially “REC” Recreation District to all “REC” Recreation District in order to permit park use and to make zoning of the lands consistent with the adopted land use.

PART II. The land to be zoned “REC” are depicted on the map as Exhibit “A”* and described in the attachment as Exhibit “A-1”.

PART III. This ordinance shall take effect and be in force from and after its passage and publication.

ADOPTED AND APPROVED ON February 17, 2009

Kristine A. Schmidt, City Clerk

Jeff R. Speaker, Mayor

Publish: February 26, 2009

* Can be viewed in the City Clerk's Office.

CITY OF BROOKFIELD

LEGAL DESCRIPTION FOR LILLY HEIGHTS PARK REZONING

ALL THAT PART OF OUTLOT 1 OF CERTIFIED SURVEY MAP NUMBER 9365, RECORDED AS DOCUMENT NUMBER 2793032 IN VOLUME NUMBER 85 ON PAGES 133 THROUGH 138 AND RECORDED ON APRIL 23, 2002 AND THAT PART OF THE SOUTHEAST 1/4 AND THE SOUTHWEST 1/4 OF SECTION 2, TOWNSHIP 7 NORTH, RANGE 20 EAST, IN THE CITY OF BROOKFIELD, WAUKESHA COUNTY, WISCONSIN BOUNDED AND DESCRIBED AS FOLLOWS; COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 2; THENCE NORTH 00°46'46" WEST ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 2 A DISTANCE OF 1,326.12 FEET (RECORDED AS 1,326.13 FEET) TO THE NORTHEAST CORNER OF FIELDBROOK SUBDIVISION, AS RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS OF WAUKESHA COUNTY; THENCE SOUTH 87°43'07" WEST ALONG THE NORTH LINE OF SAID FIELDBROOK SUBDIVISION 720.68 FEET TO THE POINT OF BEGINNING OF LANDS TO BE DESCRIBED; THENCE CONTINUING SOUTH 87°43'07" WEST ALONG THE NORTH LINE OF SAID FIELDBROOK SUBDIVISION 190.80 FEET TO THE NORTHWEST CORNER OF SAID FIELDBROOK SUBDIVISION; THENCE SOUTH 00°55'43" EAST ALONG THE WEST LINE OF SAID FIELDBROOK SUBDIVISION 0.98 FEET TO THE NORTHEAST CORNER OF LOT 1, BLOCK 2 OF SUNNYVIEW RANCH SUBDIVISION, AS RECORDED IN THE REGISTER OF DEEDS OFFICE OF WAUKESHA COUNTY, SAID POINT BEING ON THE NORTH LINE OF SAID SUNNYVIEW RANCH SUBDIVISION; THENCE SOUTH 87°23'17" WEST ALONG THE NORTH LINE OF SAID SUNNYVIEW RANCH SUBDIVISION 410.03 FEET TO THE NORTHWEST CORNER OF SAID SUNNYVIEW RANCH SUBDIVISION; THENCE SOUTH 87°39'30" WEST 1.91 FEET TO THE NORTHEAST CORNER OF MAPLE HEIGHTS SUBDIVISION, AS RECORDED IN THE REGISTER OF DEEDS OFFICE OF WAUKESHA COUNTY; THENCE SOUTH 88°12'06" WEST ALONG THE NORTH LINE OF SAID MAPLE HEIGHTS SUBDIVISION 638.00 FEET TO THE NORTHWEST CORNER OF SAID MAPLE HEIGHTS SUBDIVISION; THENCE NORTH 00°18'06" EAST ALONG THE NORTHERLY EXTENSION OF THE WEST LINE OF THE SAID MAPLE HEIGHTS SUBDIVISION 0.37 FEET TO THE NORTHEAST CORNER OF UNPLATTED LANDS KNOWN AS 14620 WOODLAND PLACE (TAXKEY NO. 1016-979) THENCE SOUTH 87°45'58" WEST ALONG THE NORTH LINE OF SAID UNPLATTED LANDS 113.00 FEET TO THE NORTHWEST CORNER OF SAID UNPLATTED LANDS; THENCE SOUTH 87°56'56" WEST ALONG THE NORTH LINE OF UNPLATTED LANDS KNOWN AS 14640 WOODLAND PLACE (TAXKEY NO. 1016-980) AND 14660 WOODLAND PLACE (TAXKEY NO. 1016-981) 212.86 FEET TO THE NORTHWEST CORNER OF SAID 14660 WOODLAND PLACE; THENCE NORTH 70°08'52" WEST 6.55 FEET TO THE NORTHEAST CORNER OF UNPLATTED LANDS KNOWN AS TAXKEY NUMBER 1016-982 WITH NO ADDRESS; THENCE SOUTH 87°57'58" WEST ALONG THE NORTH LINE OF UNPLATTED LANDS TAXKEY NUMBER 1016-982 A DISTANCE OF 325.37 FEET TO THE NORTHWEST CORNER OF SAID UNPLATTED LANDS, SAID POINT BEING ON THE WEST LINE OF THE SOUTHEAST 1/4 OF SECTION 2, ALSO BEING ON THE EAST LINE OF CLARE-BRIDGE GATE SUBDIVISION, AS RECORDED IN THE REGISTER OF DEEDS OFFICE OF WAUKESHA COUNTY; THENCE NORTH 00°05'43" EAST ALONG THE EAST LINE OF SAID CLARE-BRIDGE GATE SUBDIVISION 0.16 FEET SAID POINT BEING THE NORTHEAST CORNER OF SAID CLARE-BRIDGE GATE SUBDIVISION; THENCE SOUTH 88°00'46" WEST ALONG THE NORTH LINE OF SAID CLARE-BRIDGE GATE SUBDIVISION 566.98 FEET TO A POINT OF INTERSECTION WITH THE SOUTHERLY EXTENSION OF THE EAST LINE OF CERTIFIED SURVEY MAP NUMBER 7387, RECORDED AS DOCUMENT NUMBER 170994 IN VOLUME 62 ON PAGES 324 THROUGH 326 ON JUNE 6, 1994;

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CITY OF BROOKFIELD

LEGAL DESCRIPTION FOR LILLY HEIGHTS PARK REZONING

THENCE NORTH 00°16'45" WEST ALONG THE SAID SOUTHERLY EXTENSION AND THE EAST LINE OF SAID CERTIFIED SURVEY MAP NUMBER 7387 A DISTANCE OF 496.87 FEET TO THE NORTHEAST CORNER OF SAID CERTIFIED SURVEY MAP NUMBER 7387, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF LOT 33 OF HICKORY KNOLL SUBDIVISION AS RECORDED IN THE REGISTER OF DEEDS OFFICE OF WAUKESHA COUNTY; THENCE NORTH 01°21'51" WEST ALONG THE EAST LINE OF SAID LOT 33 A DISTANCE OF 138.67 FEET (RECORDED AS 138.66 FEET) TO THE NORTHEAST CORNER OF SAID LOT 33, SAID POINT ALSO BEING IN THE SOUTH LINE OF DUBLIN COURT, A PUBLIC STREET OF RECORD; THENCE NORTH 82°44'00" EAST ALONG THE SOUTH LINE OF SAID DUBLIN COURT 293.84 FEET (RECORDED AS 293.44 FEET) TO A POINT; THENCE CONTINUING ALONG THE SOUTH LINE OF SAID DUBLIN COURT 66.29 FEET ALONG THE ARC OF A CURVE WHOSE CENTER LIES TO THE SOUTH, WHOSE RADIUS IS 64.63 FEET AND WHOSE CHORD BEARS SOUTH 67°52'46" EAST 63.42 FEET TO A POINT OF REVERSE CURVATURE; THENCE CONTINUING ALONG THE SOUTH LINE OF SAID DUBLIN COURT 188.50 FEET ALONG THE ARC OF A CURVE WHOSE CENTER LIES TO THE NORTH, WHOSE RADIUS IS 60.00 FEET AND WHOSE CHORD BEARS NORTH 51°30'14" EAST 120.00 FEET TO A POINT; THENCE NORTH 23°40'58" EAST ALONG THE EASTERLY LINE OF SAID HICKORY KNOLL SUBDIVISION 323.39 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 2; THENCE NORTH 00°05'43" EAST ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 2 AND THE EAST LINE OF SAID HICKORY KNOLL SUBDIVISION 340.00 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 2 (CENTER OF SECTION); THENCE NORTH 87°58'47" EAST ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 2 A DISTANCE OF 653.14 FEET TO THE NORTHWEST CORNER OF LILLY HEIGHTS ADDITION SUBDIVISION, AS RECORDED IN THE REGISTER OF DEEDS OFFICE OF WAUKESHA COUNTY; THENCE SOUTH 00°05'16" EAST ALONG THE WEST LINE OF SAID LILLY HEIGHTS ADDITION 993.17 FEET TO THE SOUTHWEST CORNER OF SAID LILLY HEIGHTS ADDITION; THENCE SOUTH 84°20'17" EAST ALONG THE SOUTH LINE OF SAID LILLY HEIGHTS ADDITION 609.70 FEET TO A POINT; THENCE NORTH 87°24'08" EAST ALONG THE SOUTH LINE OF SAID LILLY HEIGHTS ADDITION AND ITS EASTERLY EXTENSION 888.49 FEET TO A POINT OF INTERSECTION WITH THE NORTHERLY EXTENSION OF THE EASTERLY MOST LINE OF OUTLOT 1 OF CERTIFIED SURVEY MAP NUMBER 9365, RECORDED AS DOCUMENT NUMBER 2793032 IN VOLUME NUMBER 85 ON PAGES 133 THROUGH 138 AND RECORDED ON APRIL 23, 2002; THENCE SOUTH 02°21'36" EAST ALONG SAID NORTHERLY EXTENSION AND THE EASTERLY MOST LINE OF SAID OUTLOT 1 A DISTANCE OF 26.55 FEET TO A POINT ON THE NORTH LINE OF PARCEL 2 OF SAID CERTIFIED SURVEY MAP NUMBER 9365; THENCE SOUTH 87°47'24" WEST ALONG THE NORTH LINE OF SAID PARCEL 2 A DISTANCE OF 457.92 FEET TO THE NORTHWEST CORNER OF SAID PARCEL 2; THENCE SOUTH 02°12'36" EAST ALONG THE WEST LINE OF SAID PARCEL 2 A DISTANCE OF 200.00 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 2; THENCE SOUTH 80°30'36" EAST ALONG THE SOUTH LINE OF SAID PARCEL 2 A DISTANCE OF 197.34 FEET (RECORDED AS 197.36 FEET) TO A POINT ON THE SOUTH LINE OF SAID CERTIFIED SURVEY MAP NUMBER 9365; THENCE SOUTH 02°16'53" EAST 5.20 FEET TO THE POINT OF BEGINNING.

CONTAINING 159,2807+/- SQUARE FEET - 36.57+/- ACRES

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CITY OF BROOKFIELD REZONING EXHIBIT "A"

LANDS TO BE REZONED FROM "R-3" RESIDENCE DISTRICT AND "REC" RECREATION DISTRICT
TO "REC" RECREATION DISTRICT, EXISTING "FW" FLOODWAY, "FF" FLOOD FRINGE AND "SW"
SHORELAND/WETLAND OVERLAY DISTRICTS TO REMAIN

SEE EXHIBIT "A.1" FOR LEGAL DESCRIPTION



Indicates area where land is to be rezoned from "R-3" Residence District and "Rec" Recreational District to "Rec" Recreational District (Approximately 36.12 acres.)

Ⓐ Tax Key Number: 1016-997
Owner: City of Brookfield

Tax Key Number: 1016-999-004
Owner: Milwaukee Metropolitan Sewerage District

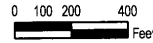
Descriptors other than legal description and zoning classification are for information only.

Any overlay zoning districts that apply to the subject properties are not affected by this ordinance.

Prepared by:
CITY OF BROOKFIELD
Department of Community Development

Checked by:
CITY OF BROOKFIELD

Drawn by: JMW
Edited by: JMW
Scale: 1" = 400'
Date: December 19, 2008



- FF Flood Fringe
- FW Floodway
- FS Flood Storage
- SW Shoreland/Wetland

