

## ORDINANCE NO. 2685

Ordinance to rezone from B-2 (General Retail Sales and Service District) to I-1 (Institutional District)

The Common Council of the City of New Berlin do ordain as follows:

## SECTION I

The City of New Berlin, having received a petition from Terri Engsberg on behalf of Holy Apostles Congregation to rezone the property located at 15970 W. National Avenue (Tax Key #: 1212-992) and a portion of the property located at 16000 W. National Avenue (Tax Key #:1212-991-001) from B-2 to I-1:

**EXISTING LEGAL DESCRIPTIONS:****15970 W. National Avenue (Tax Key #: 1212-992)**

PT SE.25 SEC 15 & NE.25 SEC 22 T6N R20E COM AT NE COR,TH W 922 FT,TH S 44 DGR 37' W 22 FT THE BGN,TH N 45 DGR 23' W 227 FT,TH S 44 DGR 37' W 90FT,TH S 45 DGR 23' E 227 FT,TH N 44 DGR 37' E 90 FT/BGN R583/177 EXC HWY R1318 I1021, I1023

**16000 W. National Avenue (Tax Key #: 1212-991-001)**

LOT 1 CSM 10851 A PT OF THE NE.25 & THE NW.25 OF THE NE.25 OF SEC 22 & THE SW.25 & SE.25 OF THE SE.25 OF SEC 15 T6N R20E REC 03/04/2011 DOC#3821403 17.7075 ACRES AFF DOC #4075057 REC 04/21/2014

**LANDS TO BE REZONED FROM B-2 to I-1:****15970 W. National Avenue (Tax Key #: 1212-992)**

Lands being part of the Northeast 1/4 of the Northeast 1/4 of Section 22, and the Southeast 1/4 of the Southeast 1/4 of Section 15, all in Township 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin, described as follows:

Commencing at the Southeast corner of the Southeast 1/4 of said Section 15; thence South 88°21'31" West along the South line of said Southeast 1/4 Section, 1001.68 feet to the point of beginning; thence South 43°41'22" West along the North line of West National Avenue 57.81 feet to a point on the East line of Certified Survey Map Number 10851; thence North 46°17'26" West along said East line 167.05 feet to a point; thence North 43°41'22" East along the Southeastern line of said Certified Survey Map 90.00 feet to a point; thence South 46°17'26" East 167.05 feet to a point on the North line of West National Avenue; thence South 43°41'22" West along said North line 32.19 feet to the point of beginning.

Said lands containing 15,035 square feet or 0.3451 acres.

**A Portion of 16000 W. National Avenue (Tax Key #: 1212-991-001)**

Part of Lot 1 of Certified Survey Map No. 10851, recorded in Waukesha County Register of Deeds in Book 105, Pages 181-184 as Document No. 3821403, being part of the Southeast 1/4 of the Southeast 1/4 of Section 15, all in Township 6 North, Range 20 East, in the City of New Berlin, Waukesha County, Wisconsin, described as follows: Commencing at the Southeast corner of the Southeast 1/4 of said Section 15; thence South 88°21'31" West along the South line of said Southeast 1/4 Section, 1001.68 feet to a point on the North line of West National Avenue; thence South 43°41'22" West along the North line of West National Avenue 57.81 feet to a point on the Southeastern line of Certified Survey Map Number 10851; thence North 46°17'26" West along said Southeastern line 167.05 feet to a point; thence North 43°41'22" East along said Southeastern line 103.23 feet to the point of beginning; thence North 43°41'22" East 85.00 feet to a point on the East line of Lot 1 of Certified Survey Map No. 10851; thence South 46°17'26" East along said East line 167.05 feet to

a point on the North line of West National Avenue; thence South 43°41'22" West along said North line 85.00 feet to a point; thence North 46°17'26" West 167.05 feet to the point of beginning.

Said lands containing 14,199 square feet or 0.3260 acres.

## SECTION II

The matter came before the City Plan Commission which held a public hearing on the proposed rezoning on October 2, 2023 and recommended approval of said rezoning on November 6, 2023 subject to the application, plans on file, and an ordinance approved by the City Attorney, and the matter having been considered and the rezoning approved on November 14, 2023 by the Common Council.

## SECTION III

The Common Council of the City of New Berlin does hereby approve the rezoning of the lands in the above-described property from B-2 to I-1 subject to the application and plans on file.

The Mayor and City Clerk are authorized to execute this Ordinance No. 2685 on behalf of the City of New Berlin.

## SECTION IV

The several sections of this ordinance are declared to be severable. If any section shall be declared by decision of a court of competent jurisdiction to be invalid, such decision shall not affect the validity of other portions of the ordinance.

## SECTION V

All ordinances or parts of ordinances contravening the terms and conditions of this ordinance are hereby to that extent repealed.

## SECTION VI

This ordinance shall take effect upon passage and publication of a summary notice as required by law, and the City Clerk shall so amend the Code of Ordinances and zoning map of the City of New Berlin, and shall indicate the date and number of this amending ordinance therein.

PASSED AND ADOPTED by the Common Council this 14<sup>th</sup> day of November 2023.

APPROVED:

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David A. Ament, Mayor

Countersigned:

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Rubina Medina, City Clerk