

Annexation

METHODS OF ANNEXATION

Chapter 66 of the Wisconsin Statutes provides several methods by which lands may be annexed into a Village or City:

Direct Annexation by Unanimous Approval

s. 66.0217 (2),
Wis. Stats

- Initiated by the owners of the property to be annexed.
- The property must be contiguous to the annexing municipality.
- The petition for annexation must be signed by all of the owners of the property being annexed.
- The petition is subject to review by the Department of Administration in counties over 50,000 population.
- There are no noticing requirements.

Direct Annexation by One-Half Approval

s. 66.0217 (3) (a),
Wis. Stats.

- Initiated by the owners of the property to be annexed.
- The property must be contiguous to the annexing municipality.
- The petition for annexation must be signed by at least one-half of the owners of the property being annexed.
- The petition is subject to review by the Department of Administration in counties over 50,000 population.
- The publication of a class 1 notice under ch. 985, Wis. Stats. is required.

Annexation by Referendum (owner initiated)

s. 66.0217 (3) (b),
Wis. Stats

s. 66.0217 (7),
Wis. Stats.

- Initiated by the owners of the property to be annexed.
- The property must be contiguous to the annexing municipality.
- The petition for a referendum must be signed by at least one-half of the owners of the property being annexed.
- The petition is subject to review by the Department of Administration in counties over 50,000 population.
- The publication of a class 1 notice under ch. 985, Wis. Stats. is required.
- The municipality must follow the procedures outlined in s. 8.37 and s. 8.40 to administer the referendum.

Annexation

METHODS OF ANNEXATION

s. 66.0219 (1),
Wis. Stats

Annexation by Referendum (municipality initiated)

- Initiated by the City or Village
- The property must be contiguous to the annexing municipality.
- The municipality must resolve to petition the circuit court for an annexation referendum.
- The resolution must be published with a class 1 notice under ch. 985, Wis. Stats.
- The court may dismiss the petition or order a credendum.
- The municipality must follow the procedures outlined in s. 8.37 and s. 8.40 to administer the referendum.
- The annexation is subject to review by the Department of Administration in counties over 50,000 population.

s. 66.0223 (1),
Wis. Stats

Annexation of Municipal Property

- Initiated by the City or Village
- The property must be owned by the City or Village.
- The property must be near, but not necessarily contiguous to the annexing municipality.
- The municipality must enact an ordinance to annex the property.
- No noticing is required.
- The annexation is not subject to review by the Department of Administration

Lands may not be annexed if no part of the annexing municipality is located in the same county as the lands being annexed, unless the Town and County Boards of the county in which the lands being annexed lie approve the annexation.

Annexation

PETITION

The petition for annexation presented to the municipality must contain:

s. 66.0217 (5),
Wis. Stats

- The purpose of the petition.
- A legal description of the property to be annexed.
- A scale map of the property to be annexed.
- The population of the property.
- The signatures of the owners as required by the method of annexation being used.

LEGAL DESCRIPTION

A legal description of the property to be annexed must be included in all annexation petitions and ordinances. The legal description must meet the following requirements:

s. 66.0217 (1)(c),
Wis. Stats

- The property must be described by metes and bounds, commencing from a monumented corner of the quarter section (or government lot or private claim) in which the property lies.
OR
- If the property is completely and only within a lot or block of a recorded certified survey map or subdivision, then the property may be described by reference to the lot or block, and the CSM number, volume, and page or subdivision name.
- The description must reference the quarter section (or government lot or private claim), section, town and range in which the property lies.
- The description can not rely on reference to external documents (i.e. parcel ID, tan number, deed, aliquot part, adjoiners, etc.) unless said reference is in addition to the metes and bounds description.

Annexation

MAP

A scale map of the property to be annexed must be included in all annexation petitions and ordinances. The scale map must show:

- The boundaries of the property to be annexed.
- The existing municipal boundaries in relation to the property being annexed.
- A graphic scale.
- The point of commencement of the metes and bounds description, the tie from the point of commencement to the property being annexed, and a description of the monument at the point of commencement.
- All boundary bearings and distances as shown in the metes and bounds description or on the certified survey map or subdivision plat.
- All adjoining or other external references as shown in the legal description.

REVIEW

All annexations (except the annexation of municipal owned lands) that occur in counties having a population of 50,000 or more must be submitted to the Department of Administration for review. The submittal must include a legal description and map as outlined above, along with a request for review form and the required fees (the form and fee schedule is included in this section, or available at:

Within 20 days of receipt of the annexation, the Department must determine if the annexation is or is not in the public interest based upon, among other things:

- Contiguity of the property to the annexing municipality.
- The shape and homogeneity of the property.
- The ability of the municipality to provide services to the property.

The Department then issues a determination letter to the annexing municipality, the town from which the property is being annexed, and the petitioner. The municipality must consider the Departments findings when deciding to approve or deny the petition for annexation.

s. 66.0217 (1)(g),
Wis. Stats

s. 66.0217 (6),
Wis. Stats

Annexation

ORDINANCE

s. 66.0217 (8),
Wis. Stats

Annexation takes place upon enactment by two-thirds vote of the governing body of an ordinance that annexes the property as described in the petition or referendum. The ordinance must contain a map and legal description of the property as outlined above.

No annexation ordinance may be enacted until the municipality receives and reviews the determination of public interest letter issued by the Department of Administration.

FILING

s. 66.0217 (9),
Wis. Stats

Immediately upon enactment of an annexation ordinance, the clerk of the annexing municipality must record a copy of the ordinance with the register of deeds, and must send a certified copy of the ordinance to the Department of Administration, any company that provides utility service to the annexed property, and any school district affected by the annexation.

On an annual basis, the municipal clerk must provide to the Department of Administration and record with the register of deeds, a legal description of the total boundaries of the municipality as existing on December 1 of that year, unless no changes to the boundary occurred in the prior 12 months.

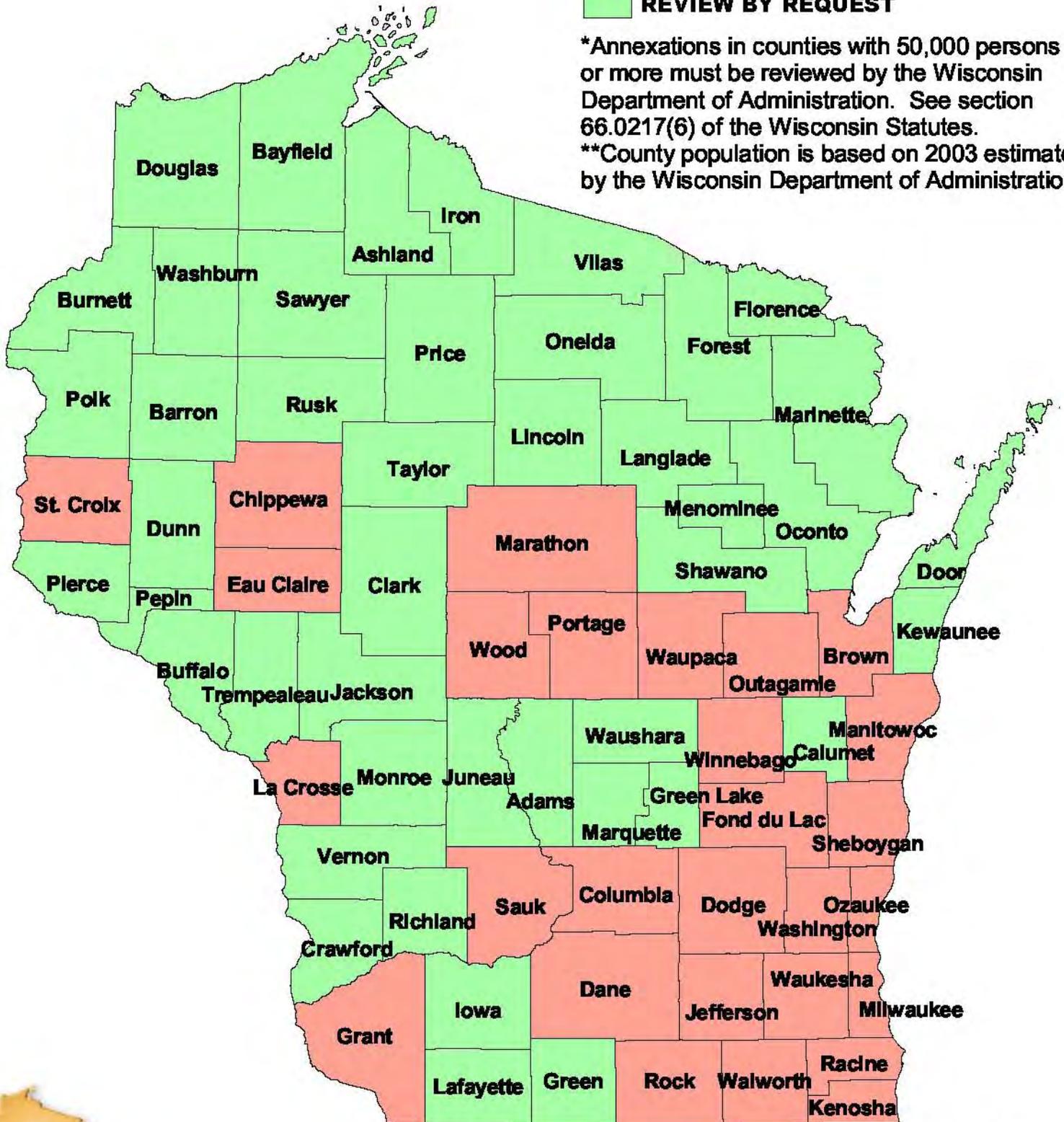
Annexation Review in Wisconsin

Department of Administration Review

- REVIEW REQUIRED
- REVIEW BY REQUEST

*Annexations in counties with 50,000 persons or more must be reviewed by the Wisconsin Department of Administration. See section 66.0217(6) of the Wisconsin Statutes.

**County population is based on 2003 estimates by the Wisconsin Department of Administration.



Request for Annexation Review

Wisconsin Department of Administration

WI Dept. of Administration
Municipal Boundary Review
101 E. Wilson Street, 9th Floor
Madison WI 53703
608-264-6102 Fax: 608-264-6104
wimunicipalboundaryreview@wi.gov
<http://doa.wi.gov/municipalboundaryreview/>

Petitioner Information

Name: _____

Address: _____

Email: _____

Office use only:

1. Town where property is located: _____

2. Petitioned City or Village: _____

3. County where property is located: _____

4. Population of the territory to be annexed: _____

5. Area (in acres) of the territory to be annexed: _____

6. Tax parcel number(s) of territory to be annexed
(if the territory is part or all of an existing parcel): _____

Petitioners phone: _____

Town clerk's phone: _____

City/Village clerk's phone: _____

Contact Information if different than petitioner:

Representative's Name and Address: _____

Phone: _____

E-mail: _____

Surveyor or Engineering Firm's Name & Address: _____

Phone: _____

E-mail: _____

Required Items to be provided with submission (to be completed by petitioner):

1. Legal Description meeting the requirements of [s.66.0217 \(1\) \(c\)](#) [see attached annexation guide]
2. Map meeting the requirements of [s. 66.0217 \(1\) \(g\)](#) [see attached annexation guide]
3. Signed Petition or Notice of Intent to Circulate is included
4. Indicate Statutory annexation method used:
 - Unanimous per [s. 66.0217 \(2\)](#), or,
OR
 - Direct by one-half approval per [s. 66.0217 \(3\)](#)
5. Check or money order covering review fee [see next page for fee calculation]

Annexation Review Fee Schedule

A Guide for Calculating the Fee Required by ss.16.53 (4) and 66.0217, Wis. Stats.

Required Fees

There is an initial filing fee and a variable review fee

\$ _____ **Initial Filing Fee** (required with the first submittal of all petitions)
\$200 – 2 acres or less
\$350 – 2.01 acres or more

\$ _____ **Review Fee** (required with all annexation submittals except those that consist ONLY of road right-of-way)
\$200 – 2 acres or less
\$600 – 2.01 to 10 acres
\$800 – 10.01 to 50 acres
\$1,000 – 50.01 to 100 acres
\$1,400 – 100.01 to 200 acres
\$2,000 – 200.01 to 500 acres
\$4,000 – Over 500 acres

\$ _____ **TOTAL FEE DUE (Add the Filing Fee to the Review Fee)**

Attach check or money order here, payable to: **Department of Administration**

**THE DEPARTMENT WILL NOT PROCESS
AN ANNEXATION PETITION THAT IS NOT ACCOMPANIED
BY THE REQUIRED FEE.**

**THE DEPARTMENT'S 20-DAY STATUTORY REVIEW PERIOD
COMMENCES UPON RECEIPT OF THE PETITION AND REVIEW FEE**

ANNEXATION SUBMITTAL GUIDE

s. 66.0217 (5) THE PETITION

- State the purpose of the petition:
 - Direct annexation by unanimous approval; OR
 - Direct annexation by one-half approval; OR
 - Annexation by referendum.

- Petition must be signed by:
 - All owners and electors, if by unanimous approval.
 - See [66.0217 \(3\) \(a\)](#), if by one-half approval.
 - See [66.0217 \(3\) \(b\)](#), if by referendum.

- State the population of the land to be annexed.

[It is beneficial to include Parcel ID or Tax numbers, the parcel area, and identify the annexee (Town) and annexor (Village or City) in the petition.]

s. 66.0217 (1) (c) THE DESCRIPTION

- The annexation petition must include a legal description of the land to be annexed. The land must be described by reference to the government lot, private claim, quarter-section, section, town and range in which the land lies. The land must be further described by metes and bounds commencing from a monumented corner of the section or quarter-section, or the monumented end of a private claim or federal reservation, in which the land lies; OR

- If the land is wholly and entirely within a lot or lots, or all of a block or blocks of a recorded subdivision plat or certified survey map, it must be described by reference to the lot (s) and/or block (s) therein, along with the name of the plat or the number, volume, page, and County of the certified survey map.

- The land may NOT be described by:
 - Aliquot part;
 - Reference to any other document (plat of survey, deed, etc.);
 - Exception or Inclusion;
 - Parcel ID or tax number.

s. 66.0217 (1) (g) THE MAP

- The map shall be an **accurate reflection** of the legal description of the parcel being annexed. As such, it must show:
 - A tie line from the parcel to the monumented corner of the section or quarter-section, or the monumented end of a private claim or federal reservation, in which the parcel lies. The corner and monument must be identified.
 - Bearings and distances along all parcel boundaries as described.
 - All adjoining as referenced in the description.

- The map must include a **graphic scale**.

- The map must show and identify the existing municipal boundary, in relation to the parcel being annexed.

[It is beneficial to include a North arrow, and identify adjacent streets and parcels on the map.]

s. 66.0217 FILING

- The petition must be filed with the Clerk of the annexing City or Village and with the Clerk of the Town in which the land is located.

- If the annexation is by one-half approval, or by referendum, the petitioner must post notice of the proposed annexation as required by [s. 66.0217 \(4\)](#).

- If the lands being annexed are within a County of 50,000 or greater population, the petition must also be filed with the Department of Administration for review

[Note that no municipality within a County of 50,000 or greater population may enact an annexation ordinance prior to receiving a review determination from the Department of Administration.]

ANNEXATION MAP



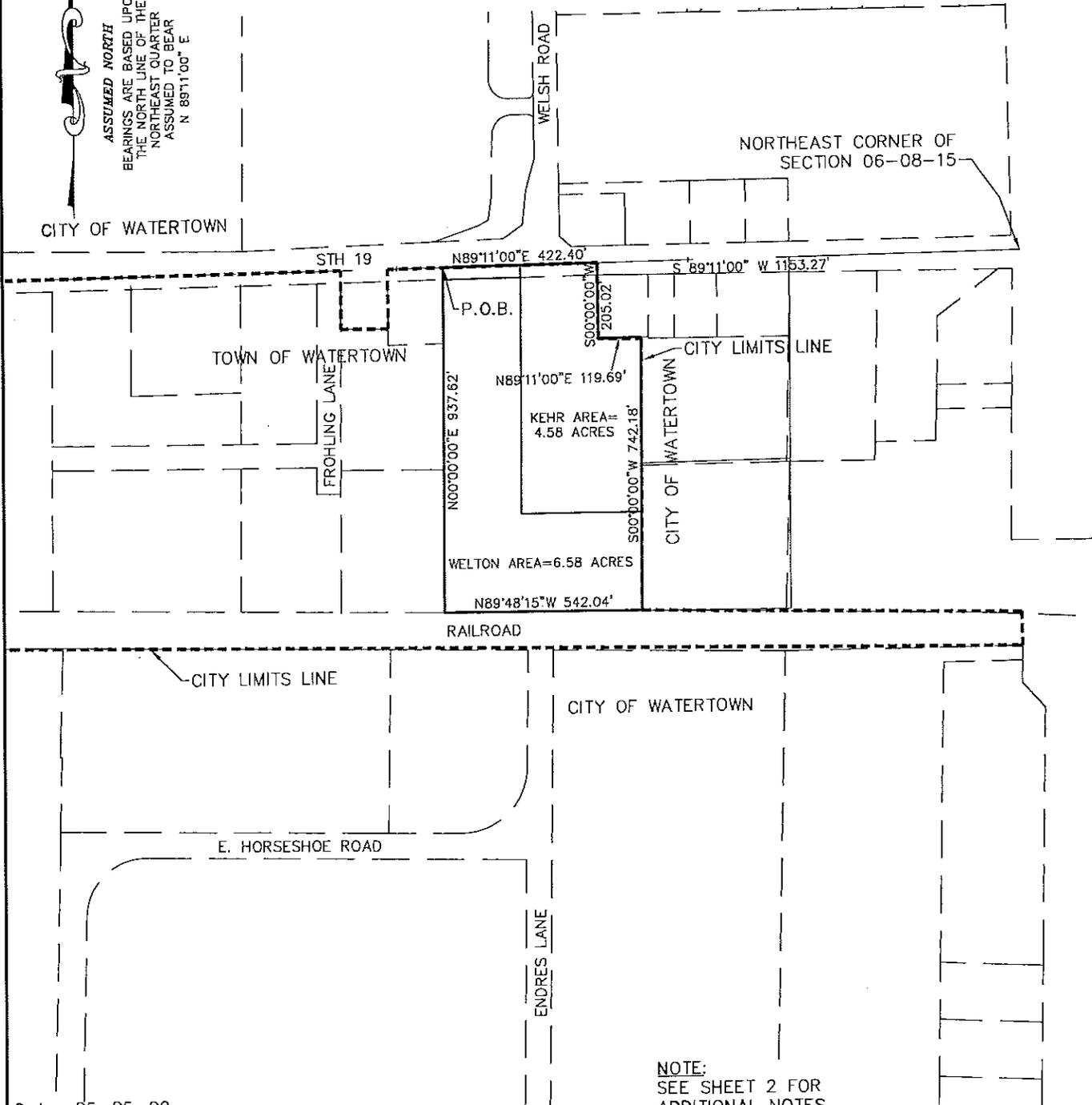
SCALE : ONE INCH = FOUR HUNDRED FEET

ORDINANCE No. _____
 I.D. No. _____
 DATE ADOPTED _____
 DATE PUBLISHED _____

ALD. DISTRICT ANNEXED TO _____
 AREA 11.16 ACRES



ASSUMED NORTH
 BEARINGS ARE BASED UPON
 THE NORTH LINE OF THE
 NORTHEAST QUARTER
 ASSUMED TO BEAR
 N 89°11'00" E



Date: 05-05-09
 Plot View: ANNEX
 PROJECTS\BSE1280\DWG\BSE1280.DWG

NOTE:
 SEE SHEET 2 FOR
 ADDITIONAL NOTES

ANNEXATION DESCRIPTION

Part of the North 1/2 of the Northeast 1/4 of Section 06, Township 08 North, Range 15 East, Town of Watertown, Jefferson County, Wisconsin, more fully described as follows

Commencing at the Northeast corner of Section 6; thence South 89 degrees 11 minutes 00 seconds West along the North line of the NE ¼, 1575.67 feet to the **Point of Beginning**; thence North 89 degrees 11 minutes 00 seconds East along said North line and along the City of Watertown City limits, 422.40 feet; thence South 00 degrees 00 minutes 00 seconds West along the City of Watertown City limits, 205.02 feet; thence North 89 degrees 11 minutes 00 seconds East along the City of Watertown City limits, 119.69 feet; thence South 00 degrees 00 minutes 00 seconds West along the City of Watertown City limits, 742.18 feet to a point on the North right-of-way line of the Wisconsin and Southern Railroad; thence North 89 degrees 48 minutes 15 seconds West along said North right-of-way line, 542.04 feet; thence North 00 degrees 00 minutes 00 seconds East, 937.62 feet to the **Point of Beginning**.

This description contains 486,283 square feet or 11.1635 acres.

Bearing basis: The North line of the NE ¼ is assumed to bear North 89 degrees 11 minutes 00 seconds East.

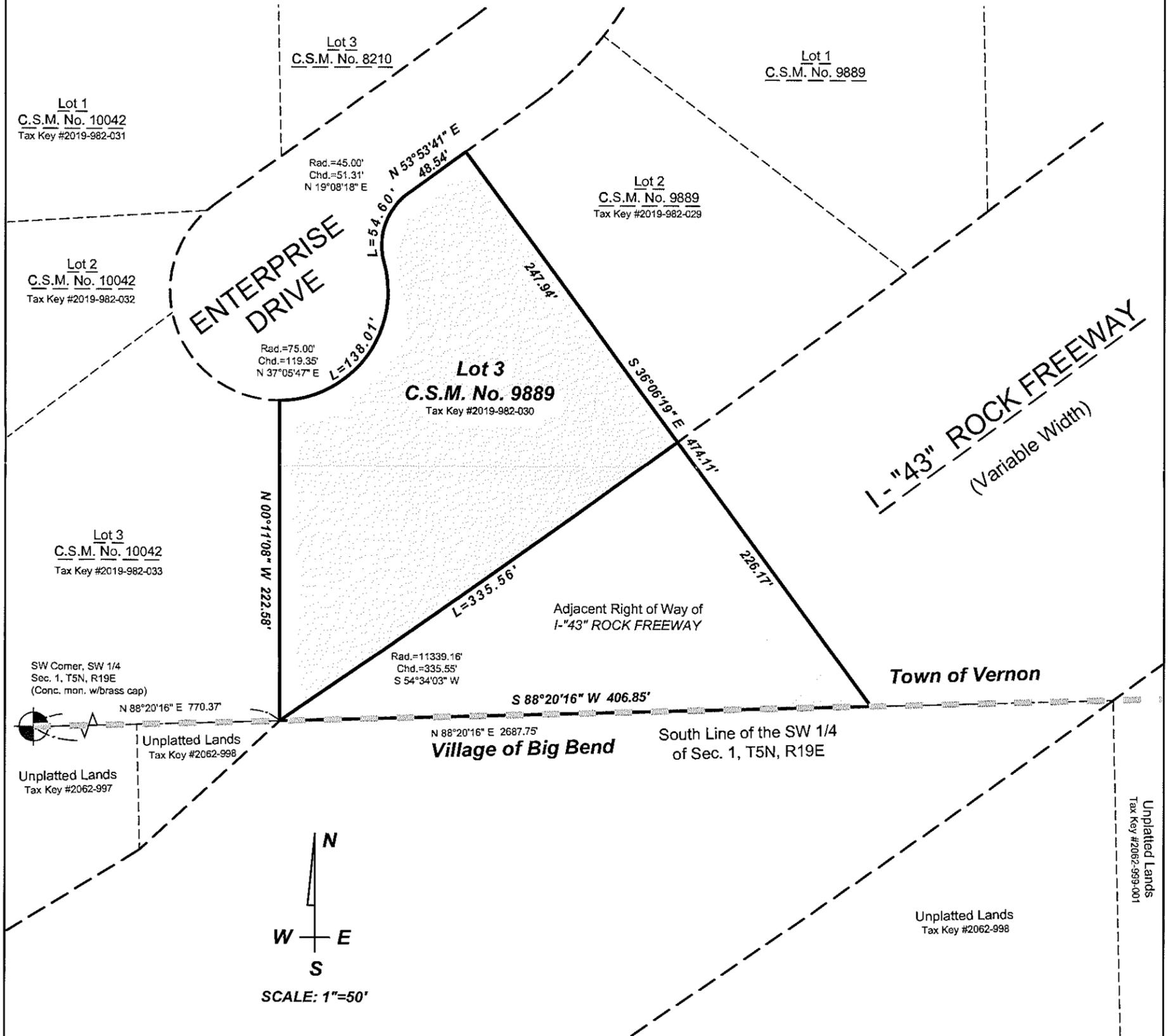
ANNEXATION MAP

September 14, 2009

Survey No. 070082
American Fireworks

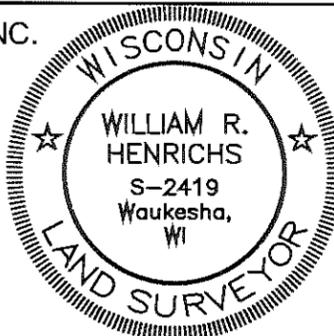
LEGAL DESCRIPTION OF LANDS TO BE ANNEXED:

Lot 3 of CERTIFIED SURVEY MAP NO. 9889 and the adjacent right of way of 1 "43" (Rock Freeway), being a part of the Southwest 1/4 of the Southwest 1/4 of Section 1, Town 5 North, Range 19 East, Town of Vernon, Waukesha County, Wisconsin, better described as follows: Commencing at the Southwest corner of said Southwest 1/4 run thence N 88°20'16" E along the South line of said Southwest 1/4 a distance of 770.37 feet to the Place of Beginning; Thence N 00°11'08" W, 222.58 feet to the Southerly R.O.W. line of Enterprise Drive; Thence Northeasterly 138.01 feet along said R.O.W. line and the arc of a curve whose center lies to the Northwest, whose radius is 75.00 feet and whose chord bears N 37°05'47" E, 119.35 feet; Thence Northeasterly 54.60 feet along said R.O.W. line and the arc of a curve whose center lies to the East, whose radius is 45.00 feet and whose chord bears N 19°08'18" E, 51.31 feet; Thence N 53°53'41" E, along said R.O.W. line, 48.54 feet; Thence S 36°06'19" E, 474.11 feet to the South line of said Southwest 1/4; thence S 88°20'16" W along said South line, a distance of 406.85 feet to the Place of Beginning. Said land containing 92,267 Sq. Ft.



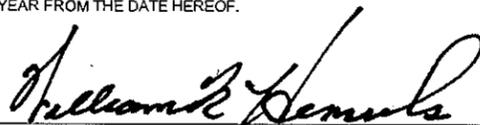
DRAWING BY:ST

LANDCRAFT SURVEY AND ENGINEERING, INC.
REGISTERED LAND SURVEYORS AND CIVIL ENGINEERS
2077 South 116th Street, West Allis, WI 53227
PH. (414) 604-0674 FAX (414) 604-0677
INFO@LANDCRAFTSE.COM



I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY. ITS EXTERIOR BOUNDARIES, THE LOCATION OF ALL VISIBLE STRUCTURES AND DIMENSIONS OF ALL PRINCIPAL BUILDINGS THEREON, BOUNDARY FENCES, APPARENT EASEMENTS AND ROADWAYS AND VISIBLE ENCROACHMENT, IF ANY.

THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PRESENT OWNERS OF THE PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE, OR GUARANTEE THE TITLE THERETO WITHIN ONE (1) YEAR FROM THE DATE HEREOF.

SIGNED 
William R. Henrichs, Registered Land Surveyor S-2419

EXAMPLE ANNEXATION MAP AND LEGAL DESCRIPTION THAT DOES NOT MEET THE REQUIREMENTS OF S. 66.0217 (1) (c) & (g)

- The legal description does not commence from a 1/4 section or government lot corner.
- The legal description does not describe the land by gov't lot, 1/4-1/4 section, section, town, range.
- The map does not agree with the description.
- The map does not show the point of commencement, or the existing municipal boundary.
- The map is not drawn to scale and does not contain a graphic scale.

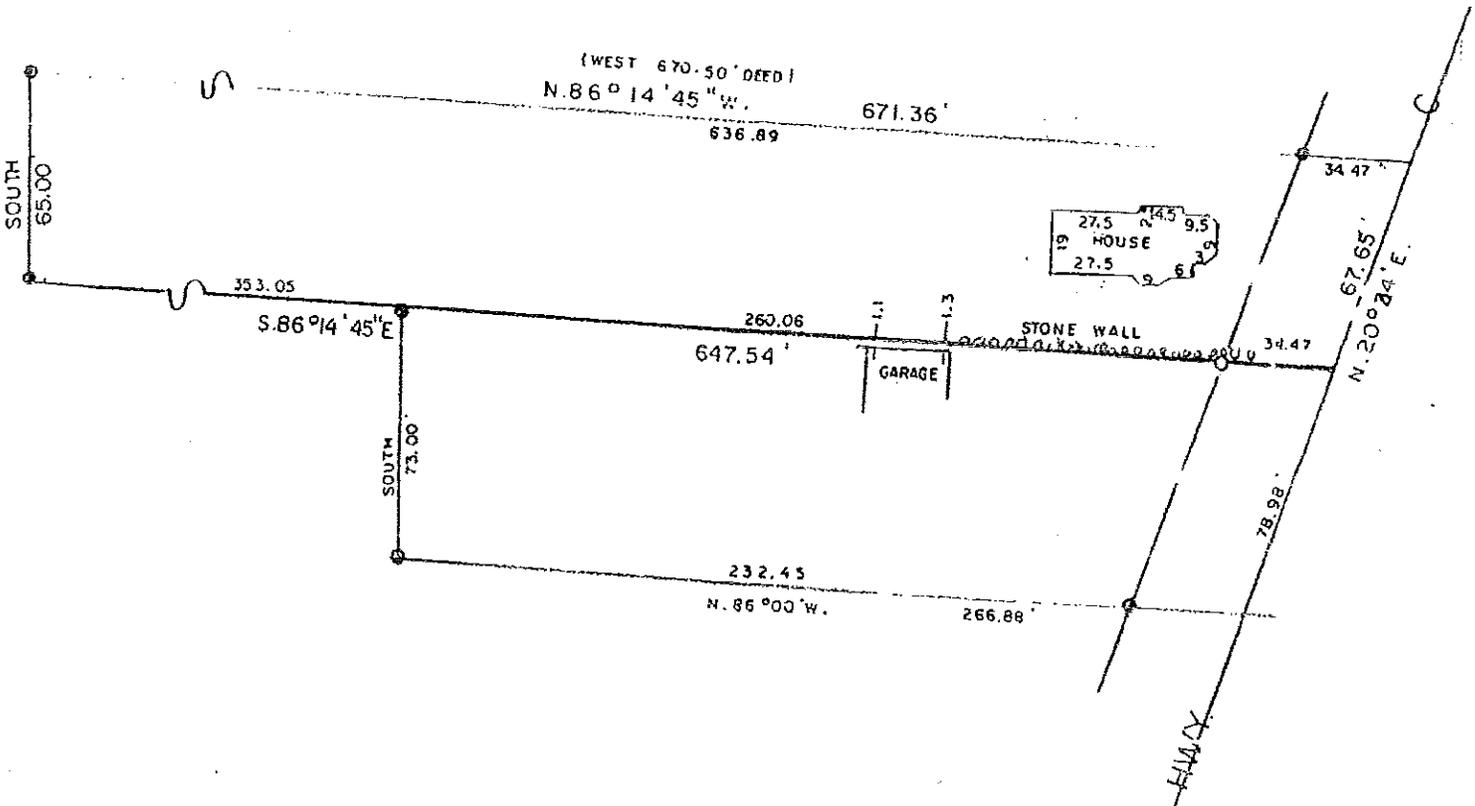
13498

LAND SURVEYS
SHEBOYGAN, WISCONSIN
PLAT OF SURVEY

FOR

Being a resurvey of land described in Volume 567 on page 539 of deeds as:

Beginning at the Northeast corner of the South 5.71 acres of the 8.05 acres in the Northwest corner of Lot Number 2, West of the so-called Port Ulao Road of Section 33-11-22 East; running thence West 670-1/2 feet; thence South 55 feet; thence east to the center of the so-called Port Ulao Road; and thence North to the place of beginning, in the Town of Port Washington, Ozaukee County, Wisconsin



ANNEXATION MAP

CORRECTED VERSION OF THE PREVIOUS ANNEXATION MAP

13498

This map and description meets the requirements of s. 66.0217 (1) (c) and (g), Wis. Stats.

BEING PART OF GOVERNMENT LOT 2 OF THE FRACTIONAL NORTHWEST QUARTER OF SEVTEEN 33, T. 11 N., R. 22 E., TOWN OF PORT WASHINGTON, OZAUKEE COUNTY, WISCONSIN CONTAINING 0.93 ACRES OF LAND AND DESCRIBED AS: COMMENCING AT THE NORTHWEST CORNER SAID SECTION 33; THENCE S 02°41'17" E., 1390.98 FEET ALONG THE WEST LINE SAID NW 1/4; THENCE S 88°38'11" E., 467.54 FEET TO THE POINT OF BEGINNING; THENCE S 02°23'26" E. (SOUTH DEED), 65.00 FEET; THENCE S 88°38'11" E. (EAST DEED), 613.07 FEET MORE OR LESS TO THE WEST LINE OF C.T.H. "C"; THENCE N 18°10'34" E. (NORTH DEED), 67.76 FEET ALONG SAID WEST LINE OF C.T.H. "C"; THENCE N 88°38'11" W. (WEST DEED), 636.92 FEET MORE OR LESS TO THE POINT OF BEGINNING.

NW 1/4 OF NW 1/4

CITY OF PORT WASHINGTON

CORP. LIMITS NORTH LINE 6.L. 2

TOWN OF PORT WASHINGTON

S 88°38'11" E 467.54

0.93 ACRES
 N 88°38'11" W 636.92 (WEST DEED)
 S 88°38'11" E 613.07 (EAST DEED)

TOWN OF PORT WASHINGTON

CITY OF PORT WASHINGTON

(C.T.H. C) TOWN OF PORT WASHINGTON
 DIVISION STREET
 CORP. LIMITS CENTERLINE
 CITY OF PORT WASHINGTON

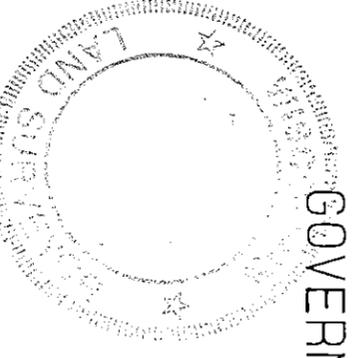
| LINE | BEARING | DISTANCE |
|------|---------------|----------|
| L1 | S 02°23'26" E | 65.00 |
| L2 | N 18°10'34" E | 67.76 |

BEARING REF. TO MISC CO-ORDINATE SYSTEM SOUTH ZONE THE WEST LINE OF NW 1/4 SEC. 33 ASSUMED AS S 02°41'17"E



THIS IS TO CERTIFY THAT THE INFORMATION SHOWN HEREON IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

AS AGENT OR OWNER, I HEREBY WAIVE STAKING OF THIS PARCEL PER A-E 5.01 OF THE WISCONSIN ADMINISTRATIVE CODE.



GOVERNMENT LOT 2

Dated this 05 day of Sept 2010

AGENT OR OWNER DATE: _____



WISCONSIN DEPARTMENT OF
ADMINISTRATION

JIM DOYLE
GOVERNOR
DANIEL J. SCHOOFF
SECRETARY

Municipal Boundary Review
PO Box 1645, Madison WI 53701
Voice (608) 264-6102 Fax (608) 264-6104
Email: wimunicipalboundaryreview@wi.gov
Web: <http://doa.wi.gov/municipalboundaryreview/>

December 30, 2010

PETITION FILE NO. 13515

CINDI HESSE, CLERK
CITY OF APPLETON
100 N APPLETON ST
APPLETON, WI 54911

CLERK
TOWN OF HARRISON
W5298 HWY 114
MENASHA, WI 54952

Subject: EISENHOWER DRIVE ANNEXATION

The proposed annexation submitted to our office on December 14, 2010, has been reviewed and found to be in the public interest. The subject petition is for territory that is reasonably shaped and contiguous to the CITY OF APPLETON. The City has indicated the ability to provide municipal services to the territory.

The Department reminds clerks of annexing municipalities of the requirements of s. 66.0217 (9)(a), Wis. Stats., which states:

"The clerk of a city or village which has annexed shall file immediately with the secretary of state a certified copy of the ordinance, certificate and plat, and shall send one copy to each company that provides any utility service in the area that is annexed. The clerk shall record the ordinance with the register of deeds and file a signed copy of the ordinance with the clerk of any affected school district..."

State and federal aids based on population and equalized value may be significantly affected through failure to file with the Secretary of State. Please file a copy of your annexing ordinance, including a statement certifying the population of the annexed territory. **Please also include the MBR number with your ordinance as this assists with record keeping. Your MBR number is: 13515**
The address of the Office of the Secretary of State is:

Annexations and Railroads
Division of Government Records
Office of the Secretary of State
PO Box 7848
Madison WI 53707-7848

Please call me at (608) 264-6102, should you have any questions concerning this annexation review letter.

Sincerely,

Erich Schmidtke
Municipal Boundary Review

cc: petitioner



WISCONSIN DEPARTMENT OF
ADMINISTRATION

JIM DOYLE
GOVERNOR

DANIEL J. SCHOOFF
SECRETARY

Municipal Boundary Review

PO Box 1645, Madison WI 53701

Voice (608) 264-6102 Fax (608) 264-6104

Email: wimunicipalboundaryreview@wi.gov

Web: <http://doa.wi.gov/municipalboundaryreview/>

November 29, 2010

PETITION FILE NO. 13511

BEVERLY R GILL, CLERK
CITY OF BURLINGTON
300 N PINE ST
BURLINGTON, WI 53105

ADELHEID STREIF, CLERK
TOWN OF BURLINGTON
32288 BUSHNELL RD
BURLINGTON, WI 53105

Subject: CINDY KEMPKEN ANNEXATION

The proposed annexation submitted to our office on November 23, 2010, has been reviewed and found to be in the public interest. The subject petition is for a parcel that is reasonably shaped and contiguous to the CITY OF BURLINGTON. The City has indicated the ability to provide municipal services to the parcel.

The Department has the following comments based upon our review:

-Per conversation of 12/10/10 with the City Clerk, the legal description provided with the petition does not correspond to the parcel being annexed. In the ordinance that annexes this parcel, the parcel must be described as "Lot 1 of Certified Survey Map 3001, as recorded in Vol___ Pg___, Racine County register of deeds". A metes and bounds description of the parcel is not required, unless lands being annexed are added to or excluded from Lot 1. (Ref: s. 66.0217 (1) (c) 2, s. 236.34 (3), Wis. Stats.)

-If a copy of CSM 3001 is to be used as the scale map of the parcel included with the annexation ordinance (we recommend that it is), the map must clearly identify the existing municipal boundary. If any other map is used, the map must also show the existing municipal boundary, must clearly identify the parcel being annexed as Lot 1 of CSM 3001, and include a graphic scale. (Ref: s. 66.0217 (1) (g), Wis. Stats.)

The Department reminds clerks of annexing municipalities of the requirements of s. 66.0217 (9)(a), Wis. Stats., which states:

"The clerk of a city or village which has annexed shall file immediately with the secretary of state a certified copy of the ordinance, certificate and plat, and shall send one copy to each company that provides any utility service in the area that is annexed. The clerk shall record the ordinance with the register of deeds and file a signed copy of the ordinance with the clerk of any affected school district..."

State and federal aids based on population and equalized value may be significantly affected through failure to file with the Secretary of State. Please file a copy of your annexing ordinance, including a statement certifying the population of the annexed territory. **Please also include the MBR number with your ordinance as this assists with record keeping. Your MBR number is: 13511**

The address of the Office of the Secretary of State is:

Annexations and Railroads, Division of Government Records, Office of the Secretary of State
PO Box 7848, Madison WI 53707-7848

Please call me at (608) 264-6102, should you have any questions concerning this annexation review.

Sincerely,
Erich Schmidtke, Municipal Boundary Review

cc: petitioner



WISCONSIN DEPARTMENT OF
ADMINISTRATION

JIM DOYLE
GOVERNOR
DANIEL J. SCHOOFF
SECRETARY

Municipal Boundary Review
PO Box 1645, Madison WI 53701
Voice (608) 264-6102 Fax (608) 264-6104
Email: wimunicipalboundaryreview@wi.gov
Web: <http://doa.wi.gov/municipalboundaryreview/>

December 17, 2010

PETITION FILE NO. 13512

JEAN A. WULF, CLERK
CITY OF JANESVILLE
PO BOX 5005
JANESVILLE, WI 53547

DEBORAH BENNETT, CLERK
TOWN OF ROCK
5814 S DUGGAN RD
BELOIT, WI 53511

Subject: JAYSON DUFFY ANNEXATION

The proposed annexation submitted to our office on November 29, 2010, has been reviewed and found to be in the public interest. The subject petition is for a parcel that is reasonably shaped and contiguous to the CITY OF JANESVILLE.

Note:

-The ordinance that annexes this parcel must include a single metes and bounds description of the parcel being annexed, that commences from a monumented corner of the 1/4 section in which the parcel lies. Statute does not provide for description by exception, or for separate descriptions of contiguous lands. (ref: s. 66.0217 (1) (c), Wis. Stats.)

-The scale map included with the ordinance must contain a graphic scale, and show the courses of the metes and bounds description along with the tie from the parcel to the 1/4 section corner. (ref: s. 66.0217 (1) (g), Wis. Stats.)

The Department reminds clerks of annexing municipalities of the requirements of s. 66.0217 (9)(a), Wis. Stats., which states:

"The clerk of a city or village which has annexed shall file immediately with the secretary of state a certified copy of the ordinance, certificate and plat, and shall send one copy to each company that provides any utility service in the area that is annexed. The clerk shall record the ordinance with the register of deeds and file a signed copy of the ordinance with the clerk of any affected school district..."

State and federal aids based on population and equalized value may be significantly affected through failure to file with the Secretary of State. Please file a copy of your annexing ordinance, including a statement certifying the population of the annexed territory. **Please also include the MBR number with your ordinance as this assists with record keeping. Your MBR number is: 13512**

The address of the Office of the Secretary of State is:

Annexations and Railroads, Division of Government Records, Office of the Secretary of State
PO Box 7848, Madison WI 53707-7848

Please call me at (608) 264-6102, should you have any questions concerning this annexation review.

Sincerely,

Erich Schmidtke
Municipal Boundary Review

cc: petitioner



WISCONSIN DEPARTMENT OF
ADMINISTRATION

JIM DOYLE
GOVERNOR
MICHAEL L. MORGAN
SECRETARY

Municipal Boundary Review
PO Box 1645, Madison WI 53701
Voice (608) 264-6102 Fax (608) 264-6104
Email: wimunicipalboundaryreview@wi.gov
Web: <http://doa.wi.gov/municipalboundaryreview/>

November 30, 2009

PETITION FILE NO. 13418

SUE PECK, CLERK
VILLAGE OF MARSHALL
PO BOX 45
MARSHALL, WI 53559

JEAN JOHNSON, CLERK
TOWN OF MEDINA
50 E WATERLOO RD
WATERLOO, WI 53594

Subject: HEBEL ANNEXATION

The proposed annexation submitted to our office on November 5, 2009, has been reviewed and found to be against the public interest.

The subject petition is for territory that is not contiguous to the **VILLAGE OF MARSHALL**.

Section 66.0217 (6), Wis. Stats., requires the department to advise the annexing municipality whether or not an annexation petition is in, or against, the public interest considering the public interest criteria in s. 66.0217 (6)(c) Wis. Stats. The first criteria relates to services and whether the annexing jurisdiction can best provide services to the annexation territory. The second criteria, and the criteria at issue with this annexation, relates to the shape and homogeneity of the annexation territory with the annexing jurisdiction. Specifically, the criteria reads as follows:

(c) *Definition of public interest.* For purposes of this subsection “public interest” is determined by the department after consideration of the following:

2. The shape of the proposed annexation and the homogeneity of the territory with the annexing village or city and any other contiguous village or city.

In addition to this statutory charge, in *Incorporation of the Town of Pewaukee*, 186 Wis. 2d 515, 525 (1994), the Wisconsin Court of Appeals opined that the department reviews annexations in order “to prevent haphazard, unrealistic and competitive expansion of municipalities which disregards the overall public interest.”

Prior to re-codification along with other sections in Chapter 66 in 1999 through Act 150, the general rule in Section 66.021 (2), Wis. Stats., was that there must be at a minimum some significant degree of physical contact between properties in question (from *Town of Delavan v. City of Delavan et al.*, 176 Wis. 2d 516). While there are many cases about “adjacent,” and “balloons on the end of a string” annexations, the courts have rarely, if ever, opined in circumstances where parcels at some remove were simply petitioned at random, as no one has ever interpreted the statute in this manner. The Prefatory Note prepared by Legislative Council staff incorporated into 1999 Act 150 states that no substantive changes in the statutory provisions were intended. “If a question arises about the effect of any modification made by this bill, the special committee intends that the revisions in this bill be construed to have the same effect as the prior statutes.”

Following re-codification, the word "contiguous" now only appears in the next subsection, 66.0217 (3), entitled "Other Methods of Annexation." As amended in later sessions, 66.0217 (2) increasingly is being read and interpreted as a stand-alone section in the annexation law. This reading of the statute is not consistent with the orderly annexation process presupposed by the Legislature, and potentially invites needless uncertainty and possible litigation expense.

In the present circumstance, the annexation parcel lies approximately 700' away from the existing municipal limit line of the Village. In response to our annexation questionnaire, the Village states that the parcel will be utilized as a municipal well and that the village will soon acquire ownership of the parcel.

Section 66.0223 Wis. Stats. specifically addresses annexation of city-owned territory (its provisions apply equally to villages), which is usually undertaken for municipal wells or other public projects. Annexation under this statutory section does not require Department review, nor do the public interest criteria related to the shape and homogeneity of the annexation territory apply. Therefore, it would be preferable for the Village to annex under s. 66.0223 than under the unanimous consent provision of s. 66.0217.
Municipal Boundary Review

If, contrary to the department's determination, the Village chooses to adopt an ordinance annexing this parcel, the department reminds clerks of annexing municipalities of the requirements of s. 66.0217 (9)(a), Wis. Stats., which states:

"The clerk of a city or village which has annexed shall file immediately with the secretary of state a certified copy of the ordinance, certificate and plat, and shall send one copy to each company that provides any utility service in the area that is annexed. The clerk shall record the ordinance with the register of deeds and file a signed copy of the ordinance with the clerk of any affected school district..."

State and federal aids based on population and equalized value may be significantly affected through failure to file with the Secretary of State. Please file a copy of your annexing ordinance, including a statement certifying the population of the annexed territory. **Please also include the MBR number with your ordinance as this assists with record keeping. Your MBR number is: 13418**
The address of the Office of the Secretary of State is:

Annexations and Railroads
Division of Government Records
Office of the Secretary of State
PO Box 7848
Madison WI 53707-7848

Please call me at (608) 264-6102, should you have any questions concerning this annexation review letter.

Sincerely,



Erich Schmidtke
Municipal Boundary Review

cc: petitioner



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

JIM DOYLE
GOVERNOR

MICHAEL MORGAN
SECRETARY

**Division of Intergovernmental Relations
Municipal Boundary Review**

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Web: <http://doa.wi.gov/municipalboundaryreview/>

October 5, 2009

DOA PETITION FILE NO. 13411 (13249)

CHERYL SUTTER, CLERK
VILLAGE OF MOUNT HOREB
138 E MAIN ST
MT HOREB, WI 53572

HELEN KAHL, CLERK
TOWN OF BLUE MOUNDS
10560 BLUE ROCK RD
MOUNT HOREB, WI 53572

Subject: MOUNT HOREB AREA SCHOOL DISTRICT ANNEXATION

The proposed annexation submitted to our office on September 9, 2009, has been reviewed and found to be contrary to the public interest, as none of the concerns expressed in our previous determination letter have been addressed. To wit:

The subject petition is for territory that is reasonably shaped and technically contiguous to the Village of MOUNT HOREB. However, as filed, this annexation is essentially a “balloon on a string,” a form of annexation prohibited by annexation case law:

Section 66.0217 (6), Wis. Stats., requires the Department to advise the annexing municipality whether or not an annexation petition is in, or against, the public interest considering s. 66.0217 (6) (c), including shape and contiguity of the proposed annexation. In *Incorporation of the Town of Pewaukee*, 186 Wis. 2d 515, 525, the Wisconsin Court of Appeals opined “...that the DOD (now DOA) reviews annexations only in consideration of the objectives recognized by the legislature--to prevent haphazard, unrealistic and competitive expansion of municipalities which disregards the overall public interest.” As a “balloon on a string”-type annexation, this petition does not meet the minimum standard for contiguity established by the Wisconsin Supreme Court in *Town of Mt. Pleasant v. City of Racine*, 24 Wis.2d 41, 127 N.W.2d 757 (1964). Balloon-on-a-string type annexations that use road right-of-way or other isolated strips of land for contiguity create bizarre and unworkable municipal boundaries that are difficult to serve and are confusing for area residents, businesses, emergency response personnel, and others.

The Town has reiterated its concern that representatives of the Mount Horeb Schools previously appeared before the Town Board in September of 2005, proposing that the site be used for a school bus garage, a use that the Town Board did not favor, expressing concerns over traffic and other safety issues. The Town Board requested that a traffic study be prepared before agreeing to any rezoning of the parcel, and the study was never submitted. The Town believes these concerns have yet to be addressed. The Village states that this property will likely be used for future school expansion, but that the plan commission has not reviewed any development proposals, and that municipal services may be available within the next 2-10 years. The “balloon on a string,” (in this case an approximately 500' long string) configuration of this annexation petition, if adopted as an ordinance, could potentially present future problems for the Village as other parcel owners seek annexation in the future.

CHERYL SUTTER, CLERK
HELEN KAHL, CLERK
October 5, 2009
Page 2

Given the configuration of Town and Village parcels in this area, including the CTH JG and USH 18/151 right-of-way at this location, I would recommend that the Village and Town jointly try to resolve the potential policy and service issues, either through a reworked annexation petition and subsequent rezoning, or preferably by an intergovernmental agreement using s. 66.0301 or s. 66.0307, Wis. Stats.

The Department reminds clerks of annexing municipalities of the requirements of s. 66.0217 (9)(a), Wis. Stats., which states:

"The clerk of a city or village which has annexed shall file immediately with the secretary of state a certified copy of the ordinance, certificate and plat, and shall send one copy to each company that provides any utility service in the area that is annexed. The clerk shall record the ordinance with the register of deeds and file a signed copy of the ordinance with the clerk of any affected school district..."

State and federal aids based on population and equalized value may be significantly affected through failure to file with the Secretary of State. Please file a copy of your annexing ordinance, including a statement certifying the population of the annexed territory. **Please also include the MBR number with your ordinance as this assists with record keeping. Your MBR number is: 13411**

The address of the Office of the Secretary of State is:

Annexations and Railroads
Division of Government Records
Office of the Secretary of State
P.O. Box 7848
Madison, WI 53707-7848

Please call me at (608) 266-0683, should you have any questions concerning this annexation review letter, or intergovernmental agreements.

Sincerely,



Erich Schmidtke
Municipal Boundary Review

cc: Larry Bierke, Village Administrator



WISCONSIN DEPARTMENT OF
ADMINISTRATION

JIM DOYLE
GOVERNOR

DANIEL J. SCHOOFF
SECRETARY

Municipal Boundary Review

PO Box 1645, Madison WI 53701

Voice (608) 264-6102 Fax (608) 264-6104

Email: wimunicipalboundaryreview@wi.gov

Web: <http://doa.wi.gov/municipalboundaryreview/>

August 31, 2010

PETITION FILE NO. 13487

PAMELA R. UBRIG, CLERK
CITY OF OSHKOSH
PO BOX 1130
OSHKOSH, WI 54903

JEANNETTE MERTEN, CLERK
TOWN OF OSHKOSH
1065 COZY LN
OSHKOSH, WI 54901

Subject: DECLUTE ANNEXATION

The proposed annexation submitted to our office on August 10, 2010, has been reviewed and found to be against the public interest.

The subject petition is for territory that is reasonably shaped, however it is not contiguous to the **CITY OF OSHKOSH**. Section 66.0217 (2), Wis. Stats., clearly states "...No territory may be annexed by a city or village under this subsection unless the territory to be annexed is contiguous to the annexing city or village". Reference maps indicate that the subject petition is for territory adjoining a non-contiguous parcel that was annexed in July 2009, creating a 'city island'.

We recommend incorporating the street right-of-way lying south of the 'city island'. This, in conjunction with the recent annexation of the property south of the right-of-way would satisfy the contiguity requirement in the statute.

The Department reminds clerks of annexing municipalities of the requirements of s. 66.0217 (9)(a), Wis. Stats., which states:

"The clerk of a city or village which has annexed shall file immediately with the secretary of state a certified copy of the ordinance, certificate and plat, and shall send one copy to each company that provides any utility service in the area that is annexed. The clerk shall record the ordinance with the register of deeds and file a signed copy of the ordinance with the clerk of any affected school district..."

State and federal aids based on population and equalized value may be significantly affected through failure to file with the Secretary of State. Please file a copy of your annexing ordinance, including a statement certifying the population of the annexed territory. **Please also include the MBR number with your ordinance as this assists with record keeping. Your MBR number is: 13487**

The address of the Office of the Secretary of State is:

Annexations and Railroads
Division of Government Records
Office of the Secretary of State
PO Box 7848
Madison WI 53707-7848

Please call me at (608) 264-6102, should you have any questions concerning this annexation review letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Erich Schmidtke". The signature is fluid and cursive, with a large initial "E" and "S".

Erich Schmidtke
Municipal Boundary Review

cc: Petitioner