

Memorandum in Support of Petition of  
Incorporation of Village of Tichigan

# **MEMORANDUM IN SUPPORT OF PETITION OF INCORPORATION OF VILLAGE OF TICHIGAN**

On August 2, 2021, the Wisconsin Department of Administration conducted a Public Hearing of the Wisconsin Incorporation Review Board (hereinafter “Board”) in the Waterford Town Hall in Waterford, Wisconsin. At that time the Board solicited comments to be submitted by August 12, 2021, by interested parties. I own a house at 5735 Island View Court, Waterford, Wisconsin, which is in the Town of Waterford and also within the territory to be included in the Petition for Incorporation. The following are my comments.

## **STANDARDS TO BE APPLIED BY THE CIRCUIT COURT**

Section 66.0205 of the Wisconsin Statutes specifies the minimum requirements to be met by a petitioner(s) seeking to incorporate a village. Indeed, the Racine County Circuit in Case # 2020-CV-000710 has found these requirements have been met. The Board has no power to challenge or dispute these findings.

## **STANDARDS TO BE APPLIED BY THE BOARD**

Section 66.0207 of the Wisconsin Statutes specifies the standards to be considered by the Board in deciding whether or not to approve the Petition for Referendum. The specific requirements are enumerated as follows:

### **➤ Characteristics of the Territory**

The entire territory of the proposed village or city shall be reasonably homogeneous and compact, taking into consideration natural boundaries, natural drainage basin, soil conditions, present and potential transportation facilities, previous political boundaries, boundaries of school districts, shopping and social customs. An isolated municipality shall have a reasonably developed community center, including some or all features such as retail stores, churches, post office, telecommunications exchange and similar centers of community activity.

This standard is somewhat broad, lacking specific elements. Arguments could be made in support of and against the satisfaction. However, based upon the precedents that have been followed by the Board with other petitions for incorporation, there is empirical support that this standard has been satisfied.

Indeed, the Petitioner has demonstrated the satisfaction of this requirement. As a matter of fact, the characteristics of this territory are similar to those of the Village of Vernon, the incorporation of which from the Town of Vernon was approved in the past year or two.

➤ **Territory Beyond the Core**

The territory beyond the most densely populated one-half square mile specified in s. 66.0205 (1) or the most densely populated square mile specified in s. 66.0205 (2) shall have an average of more than 30 housing units per quarter section or an assessed value, as defined in s. 66.0217 (1) (a) for real estate tax purposes, more than 25 percent of which is attributable to existing or potential mercantile, manufacturing or public utility uses. The territory beyond the most densely populated square mile as specified in s. 66.0205 (3) or (4) shall have the potential for residential or other urban land use development on a substantial scale within the next 3 years. The board may waive these requirements to the extent that water, terrain or geography prevents the development.

While the Petition demonstrates the beyond-the-core housing units are slightly lower than this standard, at 24.42 per quarter section, the alternative has been met. The assessed value, as defined in s. 66.0217 (1) (a) for real estate tax purposes, more than 25 percent of which is attributable to existing or potential mercantile, manufacturing or public utility uses is indeed the case. Again, this is not unlike the circumstances presented in the Village of Vernon's application.

➤ **Additional Considerations**

In addition to complying with each of the applicable standards set forth in sub. (1) and s. 66.0205 in order to be approved for referendum, a proposed incorporation must be in the public interest as determined by the board upon consideration of the following:

*Tax revenue.* The present and potential sources of tax revenue appear sufficient to defray the anticipated cost of governmental services at a local tax rate which compares favorably with the tax rate in a similar area for the same level of services.

The Petitioner has more than adequately satisfied this requirement. Indeed, the proposed expenditures and revenues are expected to be the same as they are for the Town of Waterford.

*Level of services.* The level of governmental services desired or needed by the residents of the territory compared to the level of services offered by the proposed village or city and the level available from a contiguous municipality which files a certified copy of a resolution as provided in s. 66.0203 (6).

The level of governmental services desired or needed by the residents of the territory is presently met by the Town of Waterford. This will continue under the proposed Village of Tichigan. Furthermore, as of the date of this application, no adjacent cities have filed a resolution to annex the entire territory proposed for incorporation; therefore, this standard is not applicable and need not be addressed.

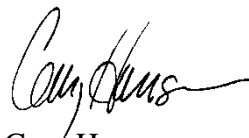
*Impact on the remainder of the town.* The impact, financial and otherwise, upon the remainder of the town from which the territory is to be incorporated.

There will be no impact in any form, as the entire Town of Waterford is proposed to be incorporated as the Village of Tichigan.

*Impact on the metropolitan community.* The effect upon the future rendering of governmental services both inside the territory proposed for incorporation and elsewhere within the metropolitan community. There shall be an express finding that the proposed incorporation will not substantially hinder the solution of governmental problems affecting the metropolitan community.

According to the definition provided in s. 66.0201(2)(c), “Metropolitan community” means the territory consisting of any city having a population of 25,000 or more, or any 2 incorporated municipalities whose boundaries are within 5 miles of each other whose populations aggregate 25,000, plus all the contiguous area which has a population density of 100 persons or more per square mile, or which the department has determined on the basis of population trends and other pertinent facts will have a minimum density of 100 persons per square mile within 3 years. There is no city having a population of 25,000 or more or any 2 incorporated municipalities whose boundaries are within 5 miles of each other whose populations aggregate 25,000 that would make up a metropolitan community. There probably are contiguous areas having a minimum density of 100 persons or more per square mile. Nonetheless, the Petitioner has demonstrated that the proposed incorporation will not substantially hinder the solution of any governmental problems affecting a metropolitan community.

There are no other standards than the foregoing for the Board to consider in approving for referendum the Petition for incorporation of the Village of Tichigan. Consequently I respectfully request that the Board approve for referendum this petition.



Gary Hansen

August 11, 2021