CITY OF STOUGHTON, 207 S. Forrest Street, Stoughton, WI 53589

ORDINANCE OF THE COMMON COUNCIL			
AN ORDINANCE PROVIDING FOR THE DIRECT ANNEXATION BY UNANIMOUS APPROVAL OF A PORTION OF THE TOWN OF DUNN TO THE CITY OF STOUGHTON, DANE COUNTY, WISCONSIN			
Committee Action:	Plan Commission recommended approval 6-0 on 07/10/2023		
Fiscal Impact:	$99.40 lost tax revenue to the Town of Dunn		
File Number:	O-25-2023	**Date Introduced:**	July 11, 2023 First reading August 8, 2023 Second reading

RECITALS

A. Daniele St. Marie Thompson on behalf of Greenbriar Farms Limited Partnership ("Owner") who owns land in the Town of Dunn as described in Exhibit A and shown in Exhibit B (the "Territory") and is seeking to annex the Territory by unanimous approval to the City of Stoughton, pursuant to Wis. Stat. § 66.0217(2).

B. The City of Stoughton Plan Commission has recommended that the Territory be annexed to the City, and that the Territory be assigned a temporary zoning classification of RH - Rural Holding.

C. The proposed annexation will need to be reviewed by the Wisconsin Department of Administration to determine if the annexation is in the public interest.

D. The population of the proposed land is 0.

E. The annexation represents approximately 33.708 acres from the Town of Dunn.

NOW, THEREFORE, the Common Council of the City of Stoughton, Dane County, Wisconsin, does ordain as follows:

ORDINANCE

1. Recitals. The above recitals are material to and are incorporated in this Ordinance.

2. Territory Annexed. The Territory is annexed by unanimous approval to the City of Stoughton pursuant to Wis. Stat. § 66.0217(2).

3. Effect of Annexation. From and after the effective date of this ordinance, the Territory shall be a part of the City of Stoughton for any and all purposes provided by law, and all persons coming or residing within such Territory shall be subject to all ordinances, rules, and regulations governing the City of Stoughton.

4. Town Taxes. Pursuant to §66.0217(14)(a)1., Wis. Stats., the City agrees to pay annually to the Town of Dunn for 5 years, an amount equal to the amount of property taxes that the town levied on the annexed territory, as shown by the tax roll under §70.65 Wis. Stats., in the year in which the annexation is final.

5. Temporary Zoning Designation. The Territory shall be temporarily zoned R-H Rural Holding.

6. Ward Designation. The Territory shall be added to Ward No. 8 of the City of Stoughton.

7. Clerk Duties. The City Clerk is hereby directed to publish notice of and provide copies of this Ordinance in accordance with the applicable Wisconsin Statutes.

8. Effective Date. This ordinance shall take effect upon passage and publication as provided by law.

APPROVED:

By:_____
Tim Swadley, Mayor

ATTEST:

_____
Candee Christen, City Clerk

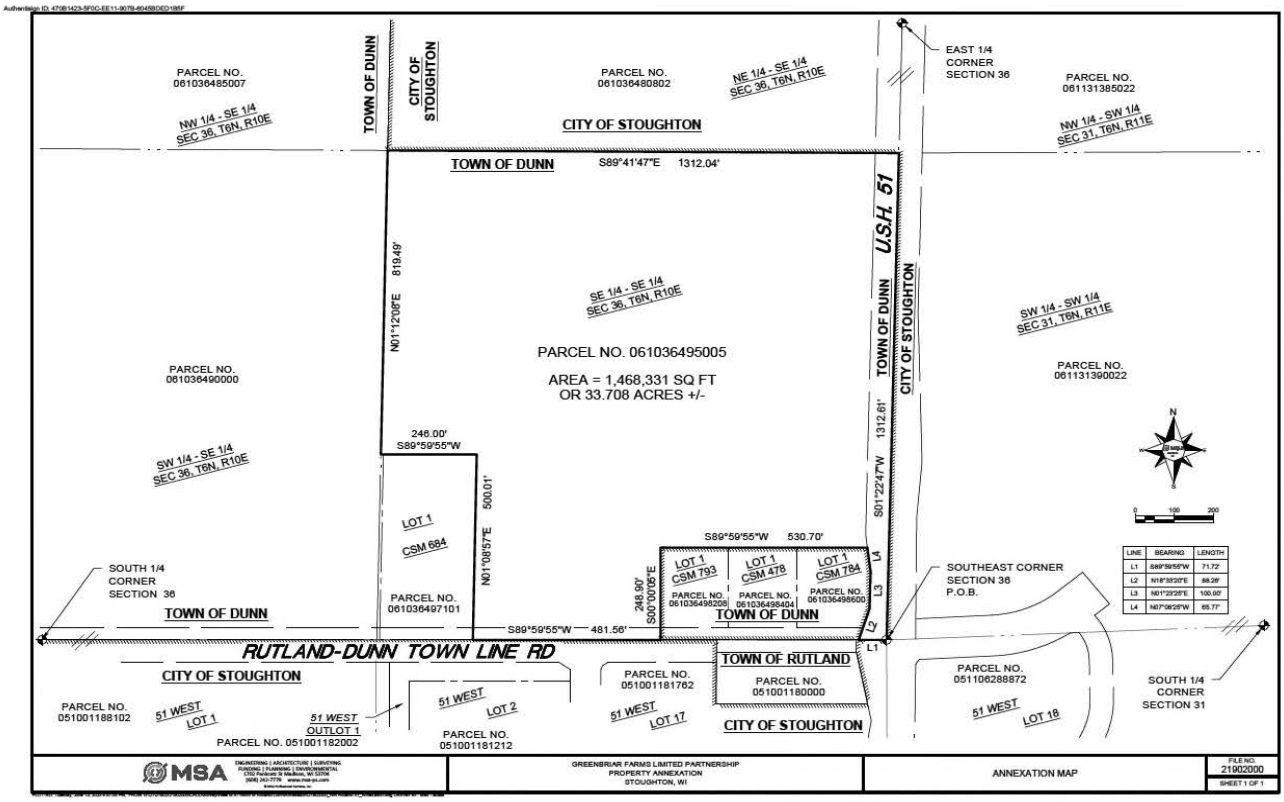
APPROVED: _____
PUBLISHED: _____

<u>EXHIBIT A</u>

LEGAL DESCRIPTION

A part of the Southeast 1/4 of the Southeast 1/4 of Section 36, Township 6 North, Range 10 East in the Town of Dunn, Dane County, Wisconsin, more particularly described as follows:
Beginning at the Southeast Corner of said Section 36;
Thence S89°59'55"W along the south line of said Southeast 1/4, 71.72 feet;
Thence N18°33'20"E along the west right-of-way of U.S.H. 51 as depicted on RW Project 5845-00-21, Sheet 4.4, and the southerly extension thereof, 88.26 feet;
Thence N01°23'25"E along said west right-of-way of U.S.H. 51, 100.00 feet;
Thence N07°08'25"W along said west right-of-way of U.S.H. 51, 65.77 feet;
Thence S89°59'55"W along the north lines of CSM 784, CSM 478, and CSM 793, 530.70 feet to the northwest corner of CSM 793;
Thence S00°00'05"E along the west line of CSM 793, 248.90 feet to a point on the south line of said Southeast 1/4;
Thence S89°59'55"W along the south line of said Southeast 1/4, 481.56 feet to the southeast corner of CSM 684;
Thence N01°08'57"E along the east line of CSM 684; 500.01 feet to the northeast corner of CSM 684;
Thence S89°59'55"W along the north line of CSM 684, 246.00 feet to a point on the west line of the Southeast 1/4 of said Southeast 1/4;
Thence N01°12'08"E along the west line of the Southeast 1/4 of said Southeast 1/4, 819.49 feet to a point on the north line of said Southeast 1/4 of the Southeast 1/4;
Thence S89°41'47"E along the north line of said Southeast 1/4 of the Southeast 1/4, 1312.04 feet to a point on the east line of said Southeast 1/4;
Thence S01°22'47W" along the east line of said Southeast 1/4, 1312.61 feet to the **Point of Beginning.**

EXHIBIT B



S:\MPS-Shared\Ordinances\Annexation Ordinances\Direct annexation of a portion of the Town of Dunn - 8-8-23 - revised legal.docx

TONY EVERS
GOVERNOR
KATHY BLUMENFELD
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 8, 2023 PETITION FILE NO. 14608

CANDEE CHRISTEN, CLERK
CITY OF STOUGHTON
207 S FORREST STREET
STOUGHTON, WI 53589-1724

CATHY HASSLINGER, CLERK
TOWN OF DUNN
4156 COUNTY ROAD B
MCFARLAND, WI 53558-9754

Subject: GREENBRIAR FARMS LTD. PARTNERSHIP ANNEXATION

The proposed annexation submitted to our office on July 18, 2023, has been reviewed and found to be in the public interest. This is a re-submittal of a previously reviewed petition – MBR #14602 – on July 10, 2023.

In determining whether an annexation is in the public interest, s. 66.0217 (6), Wis. Stats. requires the Department to examine "[t]he shape of the proposed annexation and the homogeneity of the territory with the annexing village or city…." so as, to ensure the resulting boundaries are rational and compact. The statute also requires the Department to consider whether the annexing city or village can provide needed municipal services to the territory. The subject petition is for territory that is reasonably shaped and contiguous to the City of Stoughton, which is able to provide needed municipal services.

Note: The bearing in line 11 of the metes and bounds description should be shown as N 01deg 12min 18sec ***E*** (typo in description).

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 administration 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 Department of Administration. Please file a copy of your annexing ordinance, including a statement certifying the population of the annexed territory. **Please include your MBR number 14608 with your ordinance.**
Ordinance filing checklist available at http://mds.wi.gov/, click on "Help on How to Submit Municipal Records".
Email scanned copy of required materials (color scan maps with color) to mds@wi.gov or mail to: Wisconsin Department of Administration, Municipal Boundary Review, PO Box 1645, Madison WI 53701-1645.
The petition file is available for viewing at: http://mds.wi.gov/View/Petition?ID=2682
Please call me at (608) 264-6102, should you have any questions concerning this annexation review.

Sincerely,

Erich Schmidtke, Municipal Boundary Review cc: petitioner

TONY EVERS
GOVERNOR
KATHY BLUMENFELD
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**

July 10, 2023 PETITION FILE NO. 14602

CANDEE CHRISTEN, CLERK
CITY OF STOUGHTON
207 S FORREST STREET
STOUGHTON, WI 53589-1724

CATHY HASSLINGER, CLERK
TOWN OF DUNN
4156 COUNTY ROAD B
MCFARLAND, WI 53558-9754

Subject: ANDERSON ANNEXATION

The proposed annexation submitted to our office on June 19, 2023, has been reviewed and found to be in the public interest. In determining whether an annexation is in the public interest, s. 66.0217 (6), Wis. Stats. requires the Department to examine "[t]he shape of the proposed annexation and the homogeneity of the territory with the annexing village or city…." so as, to ensure the resulting boundaries are rational and compact. The statute also requires the Department to consider whether the annexing city or village can provide needed municipal services to the territory. The subject petition is for territory that is reasonably shaped and contiguous to the City of Stoughton, which is able to provide needed municipal services.

Note: the Town indicates that this annexation would create a town island area of 3 parcels contrary to s. 66.0221, Wis. Stats. While this annexation does create an isolated area of the Town, it is not a town island according to the holding in *Wagner Mobile Inc v. City of Madison* 190 Wis. 2d. 585 (1995) which requires the annexing city or village to completely surround the town territory. In this case, Town of Rutland territory prevents Stoughton from completely surrounding the isolated Town territory.

The Department reminds clerks of annexing municipalities of the requirements of s. 66.0217 (9)(a), Wis. Stats., which states that the clerk of a city or village which has annexed shall file immediately with the secretary of administration 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 Department of Administration. Please file a copy of your annexing ordinance, including a statement certifying the population of the annexed territory. **Please include your MBR number 14602 with your ordinance.** Ordinance filing checklist available at http://mds.wi.gov/, click on "Help on How to Submit Municipal Records". Email scanned copy of required materials (color scan maps with color) to mds@wi.gov or mail to: Wisconsin Department of Administration, Municipal Boundary Review, PO Box 1645, Madison WI 53701-1645.

The petition file is available for viewing at: http://mds.wi.gov/View/Petition?ID=2676
Please call me at (608) 264-6102, should you have any questions concerning this annexation review.

Sincerely,

Erich Schmidtke, Municipal Boundary Review

cc: petitioner

CITY OF STOUGHTON
DEPARTMENT OF
PLANNING & DEVELOPMENT
207 S. Forrest Street, Stoughton, WI. 53589

(608) 873-6619 www.cityofstoughton.com

RODNEY J. SCHEEL
DIRECTOR

Date: July 5, 2023

To: Plan Commission and Common Council

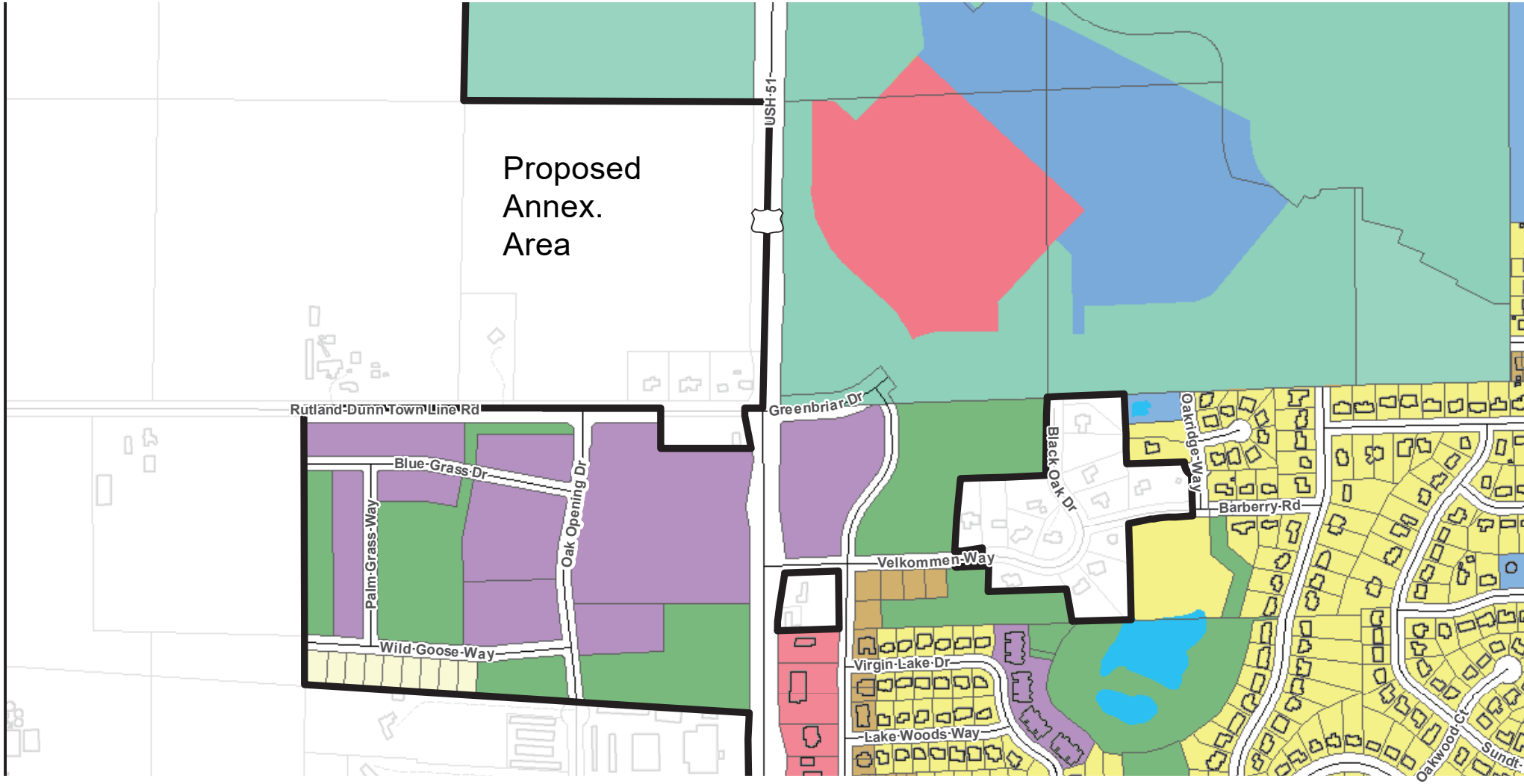
From: Rodney J. Scheel
Director of Planning & Development

Michael P. Stacey
Zoning Administrator/Assistant Planner

Subject: Agenda Item for the July 10, 2023 Plan Commission Meeting and Common Council meetings of July 25 and August 8, 2023

Annexation request for property located in the NW corner of the City, west of US Highway 51 between Rutland-Dunn Town Line Road and County Highway B.
The applicant is seeking to annex 33.708 acres from the Town of Dunn for future development.

The application materials and ordinance are provided. A recommendation to the Common Council is necessary.


Proposed
Annex.
Area
USH 51
Rutland-Dunn Town Line Rd
Greenbriar Dr
Blue Grass Dr
Palm Grass Way
Oak Opening Dr
Wild Goose Way
Velkommen Way
Black Oak Dr
Oakridge Way
Barberry Rd
Virgin Lake Dr
Lake Woods Way
Oakwood Ct
Sundt

Request for Annexation Review

Wisconsin Department of Administration

WI Dept. of Administration
Municipal Boundary Review
PO Box 1645, Madison WI 53701
608-264-6102
wimunicipalboundaryreview@wi.gov
https://doa.wi.gov/municipalboundaryreview

Online Submittal and Payment: Instead of this form go to https://appengine.egov.com/apps/wi/dir/annexation
This will speed up the process by eliminating the time it used to take to mail the check to us.

Petitioner Information

Name: **Daniele St. Marie Thompson on behalf of Greenbriar Limited Partnership**

Phone: **(608) 467-8760**

Email: **dst@stmarie-law.com**

RECEIVED
July 18, 2023
Municipal Boundary Review
Wisconsin Dept. of Admin.

Contact Information if different than petitioner:

Representative's Name: **Jeffrey D. Thelen, MSA Professional Services, Inc.**

Phone: **(608) 355-8911**

E-mail: **jthelen@msa-ps.com**

1. Town(s) where property is located: **Dunn**
2. Petitioned City or Village: **Stoughton**
3. County where property is located: **Dane**
4. Population of the territory to be annexed: **0**
5. Area (in acres) of the territory to be annexed: **33.708**
6. Tax parcel number(s) of territory to be annexed (if the territory is part or all of an existing parcel): **061036495005**

Include these required items with this form:

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 [see attached annexation guide]
4. ☒ Check or money order covering review fee [see next page for fee calculation]

(November 2022)

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

$0 **Initial Filing Fee** (required with the first submittal of all petitions)

$200 – 2 acres or less
$350 – 2.01 acres or more

$0 **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

$0 **TOTAL FEE DUE (Add the Filing Fee to the Review Fee)**

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

DON'T attach the check with staples, tape, …

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

Shaded Area for Office Use Only

Date fee & form received: _____

Payer: _____ Check Number: _____

Check Date: _____

Amount: _____

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 only 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 adjoiners 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).

Authentisign ID: B4E014E6-CC24-EE11-A9B9-6045BD047FEA

PETITION FOR ANNEXATION

The undersigned, constituting 100 percent of the owners of the following described territory located in the Town of Dunn, Dane County, Wisconsin, lying contiguous to the City of Stoughton, petition the Honorable Mayor and Common Council of said city to annex the territory described below and shown upon the attached map, as permitted by Chapter 66 of the Wisconsin Statutes, to the City of Stoughton, Dane County, Wisconsin.

A part of the Southeast ¼ of the Southeast ¼ of Section 36, Township 6 North, Range 10 East in the Town of Dunn, Dane County, Wisconsin, more particularly described as follows:

Beginning at the Southeast Corner of said Section 36; Thence S89°59'55"W along the south line of said Southeast ¼, 71.72 feet; Thence N18°33'20"E along the west right-of-way of U.S.H. 51 as depicted on RW Project 5845-00-21, Sheet 4.4, and the southerly extension thereof, 88.26 feet; Thence N01°23'25"E along said west right-of-way of U.S.H. 51, 100.00 feet; Thence N07°08'25"W along said west right-of-way of U.S.H. 51, 65.77 feet; Thence S89°59'55"W along the north lines of CSM 784, CSM 478, and CSM 793, 530.70 feet to the northwest corner of CSM 793; Thence S00°00'05"E along the west line of CSM 793, 248.90 feet to a point on the south line of said Southeast ¼; Thence S89°59'55"W along the south line of said Southeast ¼, 481.56 feet to the southeast corner of CSM 684; Thence N01°08'57"E along the east line of CSM 684; 500.01 feet to the northeast corner of CSM 684; Thence S89°59'55"W along the north line of CSM 684, 246.00 feet to a point on the west line of the Southeast ¼ of said Southeast ¼; Thence N01°12'08" along the west line of the Southeast ¼ of said Southeast ¼, 819.49 feet to a point on the north line of said Southeast ¼ of the Southeast ¼; Thence S89°41'47"E along the north line of said Southeast ¼ of the Southeast ¼, 1312.04 feet to a point on the east line of said Southeast ¼; Thence S01°22'47W" along the east line of said Southeast ¼, 1312.61 feet to the Point of Beginning.

Said parcel contains 1,468,331 square feet or 33.708 acres more or less including areas to the northwest of the intersection of U.S.H. 51 and Rutland Dunn Town Line Road.

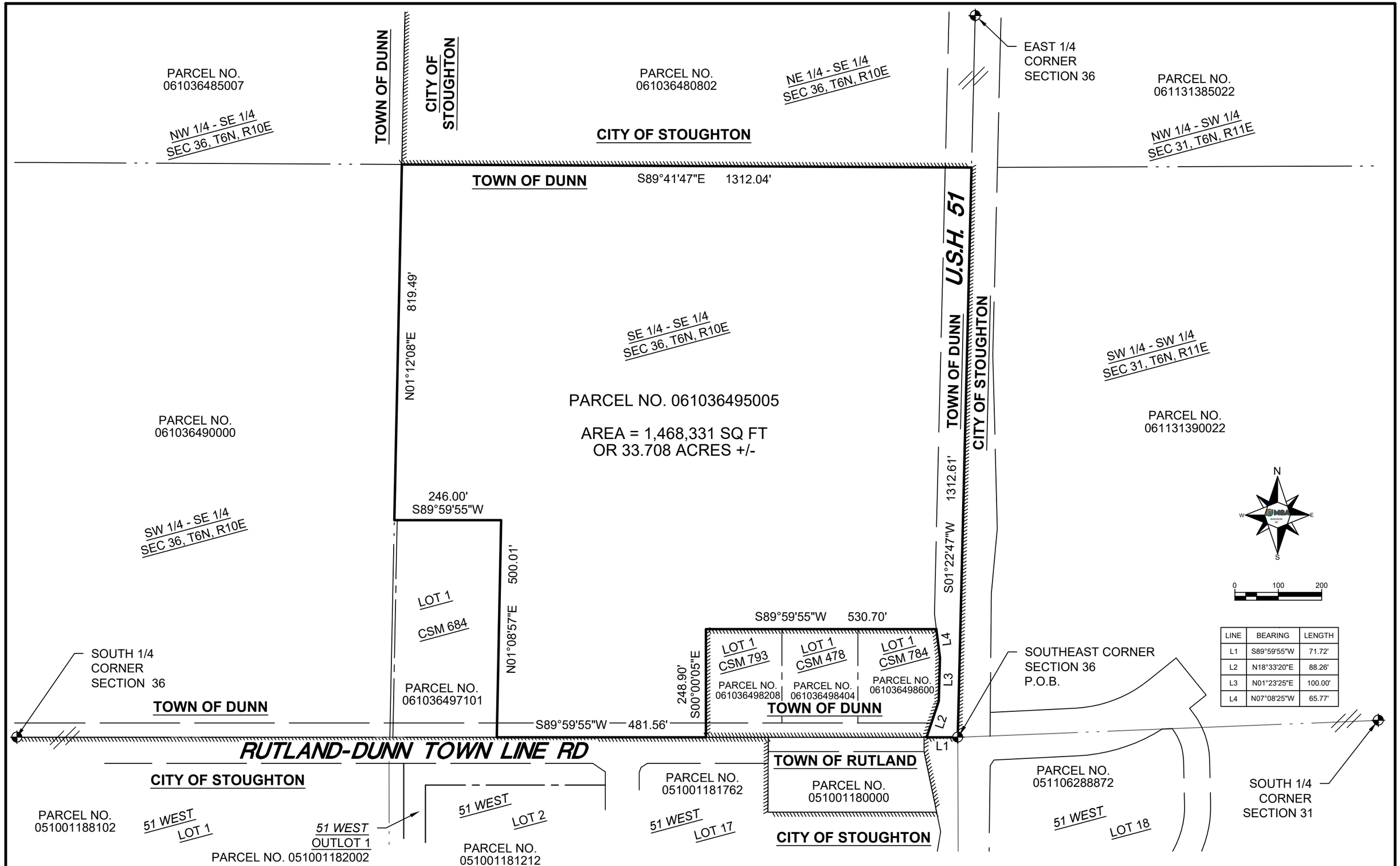
There are no persons residing in the territory.

Dated this 18th day of July 2023

Authentisign

Signed: Sheryl Anderson 07/17/23

Greenbriar Farms Ltd. Partnership
Sheryl Anderson, Managing Partner
754 U.S.H. 51
Stoughton, WI 53589



LINE	BEARING	LENGTH
L1	S89°59'55"W	71.72'
L2	N18°33'20"E	88.26'
L3	N01°23'25"E	100.00'
L4	N07°08'25"W	65.77'

MSA
ENGINEERING | ARCHITECTURE | SURVEYING
FUNDING | PLANNING | ENVIRONMENTAL
1702 Pankratz St Madison, WI 53704
(608) 242-7779 www.msa-ps.com
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GREENBRIAR FARMS LIMITED PARTNERSHIP
PROPERTY ANNEXATION
STOUGHTON, WI

ANNEXATION MAP

FILE NO.
21902000

SHEET 1 OF 1

PLOTTED: Tuesday, June 13, 2023 4:57:05 PM, FROM: G:\21\21902\21902000\CADD\Survey\West of 51-North of Rutland-Dunn\Annexation\21902000_NW Rutland 51_Annexation.dwg DRAWN BY: Brad Tisdale