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 ____ on 07/10/2023		
Fiscal Impact:	$99.40 lost tax revenue to the Town of Dunn		
File Number:	O-23-2023	**Date Introduced:**	July 11, 2023 First reading July 25, 2023 Second reading

RECITALS

A. Daniele St. Marie Thompson on behalf of Sheryl Anderson ("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. Temporary Zoning Designation. The Territory shall be temporarily zoned R-H Rural Holding.

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

6. 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.

7. 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

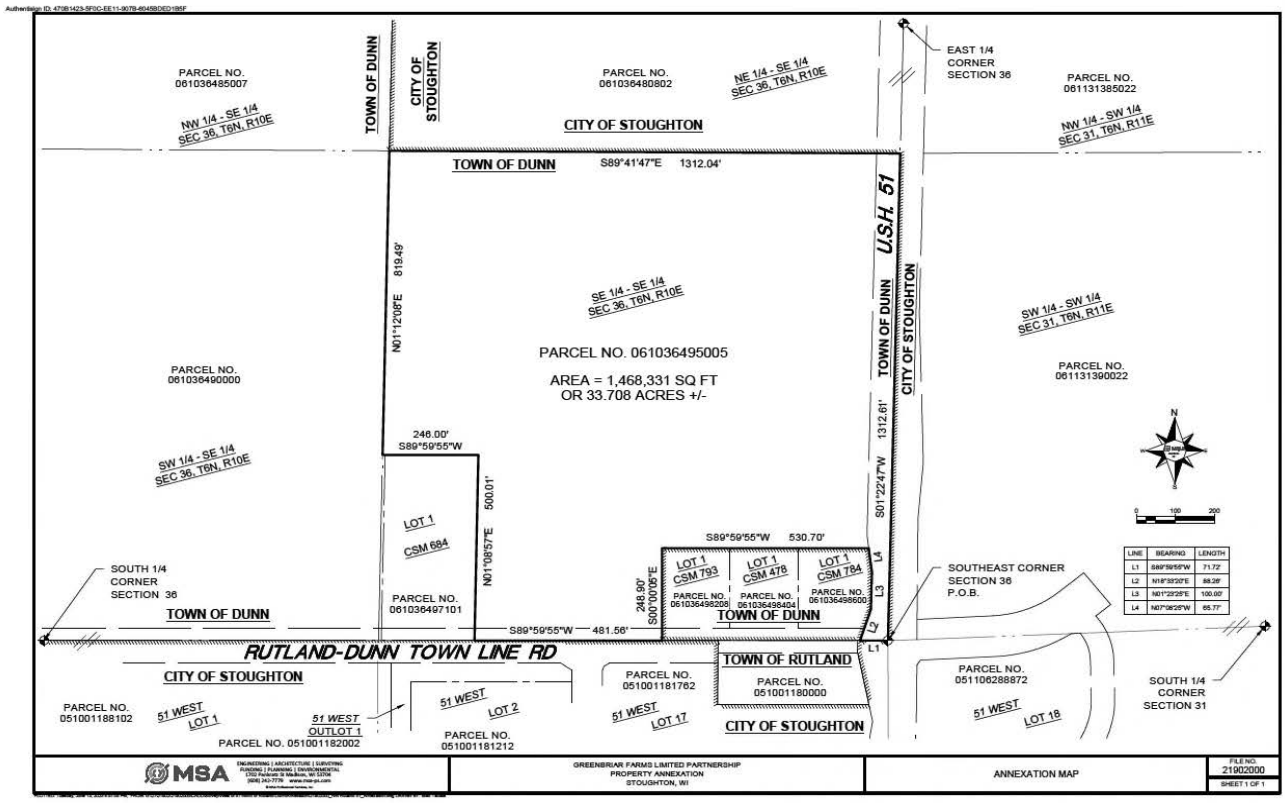
APPROVED: _____
PUBLISHED: _____

<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" 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


PARCEL NO. 061036485007
NW 1/4 - SE 1/4 SEC 36, T6N, R10E
TOWN OF DUNN
CITY OF STOUGHTON
PARCEL NO. 061036480802
NE 1/4 - SE 1/4 SEC 36, T6N, R10E
EAST 1/4 CORNER SECTION 36
PARCEL NO. 061131385022
NW 1/4 - SW 1/4 SEC 31, T6N, R11E
CITY OF STOUGHTON
TOWN OF DUNN
S89°41'47"E 1312.04'
U.S.H. 51
N01°12'08"E 819.49'
SE 1/4 - SE 1/4 SEC 36, T6N, R10E
PARCEL NO. 061036495005
AREA = 1,468,331 SQ FT
OR 33.708 ACRES +/-
TOWN OF DUNN
CITY OF STOUGHTON
SW 1/4 - SW 1/4 SEC 31, T6N, R11E
PARCEL NO. 061036490000
PARCEL NO. 061131390022
246.00'
S89°59'55"W
SW 1/4 - SE 1/4 SEC 36, T6N, R10E
LOT 1
CSM 684
N01°08'57"E 500.01'
S01°22'47"W 1312.61'
S89°59'55"W 530.70'
LOT 1 CSM 793
LOT 1 CSM 478
LOT 1 CSM 784
PARCEL NO. 061036498208
PARCEL NO. 061036498404
PARCEL NO. 061036498600
S00°00'05"E 248.90'
L4
L3
L2
L1
SOUTH 1/4 CORNER SECTION 36
TOWN OF DUNN
PARCEL NO. 061036497101
S89°59'55"W 481.56'
SOUTHEAST CORNER SECTION 36 P.O.B.
RUTLAND-DUNN TOWN LINE RD
CITY OF STOUGHTON
TOWN OF RUTLAND
PARCEL NO. 051001180000
PARCEL NO. 051001181762
PARCEL NO. 051106288872
SOUTH 1/4 CORNER SECTION 31
PARCEL NO. 051001188102
51 WEST
LOT 1
51 WEST
OUTLOT 1
PARCEL NO. 051001182002
51 WEST
LOT 2
PARCEL NO. 051001181212
51 WEST
LOT 17
CITY OF STOUGHTON
51 WEST
LOT 18
N
0 100 200
LINE BEARING LENGTH
L1 S89°59'55"W 71.72'
L2 N18°35'20"E 88.28'
L3 N01°22'25"E 100.00'
L4 N07°06'25"W 65.77'
MSA
GREENBRIAR FARMS LIMITED PARTNERSHIP
PROPERTY ANNEXATION
STOUGHTON, WI
ANNEXATION MAP
FILE NO. 21902000
SHEET 1 OF 1

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

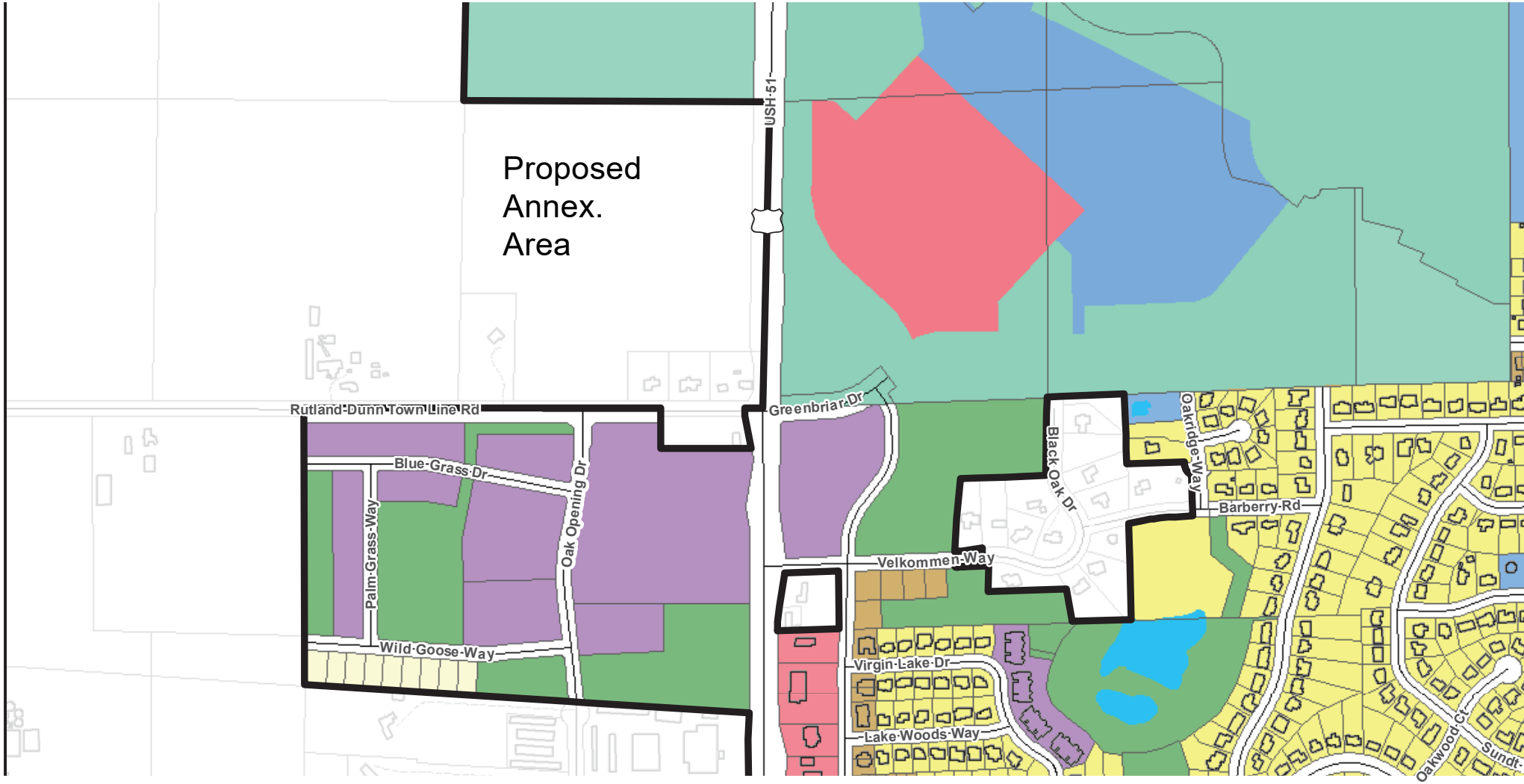
From: Rodney J. Scheel
Director of Planning & Development

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

Dave Ehlinger

From: Rodney J. Scheel
Sent: Monday, July 10, 2023 9:26 AM
To: Dave Ehlinger
Cc: Lisa Aide; Tim Swadley; Candee Christen
Subject: RE: Annexation Petition

Dave,

The annual town taxes on this property is $19.88. The state requirement is for 5 years of lost tax revenue to the Town. Therefore, the 5 year total payment to the Town of Dunn is $99.40

Rodney Scheel
Director of Planning & Development
City of Stoughton
608.873.6619

Please note that my email address has changed to rjscheel@cityofstoughton.com

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From: Dave Ehlinger <DEhlinger@cityofstoughton.com>
Sent: Monday, July 3, 2023 1:01 PM
To: Rodney J. Scheel <rjscheel@cityofstoughton.com>; Candee Christen <CChristen@cityofstoughton.com>
Cc: Lisa Aide <LAide@cityofstoughton.com>; Tim Swadley <TSwadley@cityofstoughton.com>
Subject: RE: Annexation Petition

Rodney,

Am I correct in assuming that there will be a payment to the township related to three year of lost property taxes? That amount will need to be specifically cited on the levy limit worksheet.

Thanks,

Dave

From: Rodney J. Scheel <rjscheel@cityofstoughton.com>
Sent: Friday, June 30, 2023 10:03 AM
To: Dave Ehlinger <DEhlinger@cityofstoughton.com>; Candee Christen <CChristen@cityofstoughton.com>
Subject: RE: Annexation Petition

Sounds good.

Rodney Scheel
Director of Planning & Development
City of Stoughton
608.873.6619

Please note that my email address has changed to rjscheel@cityofstoughton.com

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