

CITY OF STOUGHTON, 381 E. Main Street, Stoughton, WI 53589

ORDINANCE OF THE COMMON COUNCIL

AN ORDINANCE PROVIDING FOR THE DIRECT ANNEXATION
OF A PORTION OF THE TOWN OF RUTLAND
TO THE CITY OF STOUGHTON, DANE COUNTY, WISCONSIN

Committee Action: Recommend Council Approval - with the Mayor voting

Fiscal Impact: TBD

File Number: O- 16 -2013

Date Introduced: June 25, 2013

Amended Oct 22 & Nov 12,
2013

RECITALS

- A. On May 17, 2013, Mabie/Veek/Burno/Guenther (“Owners”) filed a petition with the City Clerk of the City of Stoughton seeking to annex to the City of Stoughton the lands described in Exhibit A & B (the “Territory”), pursuant to Wis. Stat. § 66.0217(2).
- B. A copy of the annexation petition, together with an annexation map and a legal description of the Territory, has been filed with the Wisconsin Department of Administration and the Town Clerk of the Town of Rutland.
- C. The City has considered the recommendations, if any, that the Department of Administration has made regarding the annexation.
- D. The City of Stoughton Planning 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, pursuant to Wis. Stat. § 66.0217(8)(a).

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 to the City of Stoughton pursuant to Wis. Stat. § 66.0217.
- 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. Pursuant to Wis. Stat. § 66.0217(8)(a), the Territory shall be temporarily zoned R-H Rural Holding.
5. Ward Designation. The Territory shall be designated to **Ward No. 9** 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. Town of Rutland. Pursuant to Wis. Stat. § 66.0217(14), the City shall pay annually to the Town of Rutland, for five years, an amount equal to the amount of property taxes that the town levied on the Territory in the year in which the annexation is final.
8. Effective Date. This ordinance shall take effect upon passage and publication as provided by law.

The above ordinance was duly adopted by a two-thirds (2/3) majority vote of the elected members of the Common Council of the City of Stoughton at a regular meeting held on June 25, 2013.

APPROVED:

By: _____
Donna Olson, Mayor

ATTEST:

City Clerk

APPROVED: _____
PUBLISHED: _____



Forward Development Group
161 Horizon Drive, Suite 101A
Verona, WI 53593

EXHIBIT A
ANNEXATION DESCRIPTION

Part of Lot 2, Certified Survey Map No. 3430 as recorded in Volume 13, pages 268-270, as Document No. 1658279, all of Lots 1, 2, and 3, Certified Survey Map No. 3435 as recorded in Volume 13, pages 279-281, as Document No. 1658680, all of Lot 1, Certified Survey Map No. 9632 as recorded in Volume 55, pages 194-197, as Document No. 3199102, and all of the Northwest Quarter of the Southeast Quarter, and part of the Northeast Quarter of the Southeast Quarter, part of the Southeast Quarter of the Southeast Quarter and part of the Southwest Quarter of the Southeast Quarter, all in Section 1, Township 5 North, Range 10 East, Town of Rutland, and part of the Southwest Quarter of the Southwest Quarter of Section 6, Township 5 North, Range 11 East, Town of Dunkirk, Dane County, Wisconsin, Described as follows:

Beginning at a point on the South line the Southwest Quarter of Section 6, aforesaid, being North 87 degrees 24 minutes 18 seconds East of the Southwest Corner of said Southwest Quarter a distance of 667.62 feet, said point also being on the Corporate boundary of the City of Stoughton; thence South 87 degrees 24 minutes 18 seconds West along the South line of said Southwest Quarter, 662.61 feet to a point that is 5.00 feet East of the West line of the Southwest Quarter of Section 6, aforesaid; thence North 00 degrees 17 minutes 13 seconds West parallel with the West line of the Southwest Quarter of Section 6, aforesaid, 184.63 feet; thence North 87 degrees 07 minutes 28 seconds West parallel with the North right-of-way line of State Trunk Highway '138' a distance of 298.58 feet; thence South 00 degrees 16 minutes 13 seconds East, 5.01 feet to the North right-of-way line of State Trunk Highway '138'; thence North 87 degrees 07 minutes 28 seconds West along said right-of-way line, 21.50 feet; thence South 00 degrees 12 minutes 45 seconds East along said right-of-way line, 8.67 feet; thence North 89 degrees 53 minutes 46 seconds West along said right-of-way line, 178.13 feet; thence South 00 degrees 00 minutes 00 seconds East, 162.51 feet to the South line of the Southeast Quarter of Section 1, aforesaid; thence North 87 degrees 05 minutes 45 seconds West along said section line, 1941.76 feet to the Southerly extension of the East line of Certified Survey Map No. 7803, as recorded in Volume 41, pages 76-77 as Document No. 2670794; thence North 00 degrees 05 minutes 30 seconds West along the East line of said Lot 1 a distance 604.54 feet to the Northeast corner of said Lot 1; thence North 87 degrees 50 minutes 42 seconds West along the North line of said Lot 1, a distance of 203.18 feet to the West line of said Southeast Quarter; thence North 00 degrees 04 minutes 33 seconds West along said West line, 2039.87 feet to the Northwest corner of said Southeast Quarter; thence South 86 degrees 41 minutes 54 seconds East along the North line of said Southeast Quarter, 1986.12 feet to the West line of Lot 1, Certified Survey Map No. 8144 as recorded in Volume 43, pages 285-290, as Document No. 2745975; thence South 00 degrees 09 minutes 16 seconds West, 146.55 feet; thence South 00 degrees 05 minutes 13 seconds East, 279.26 feet to the Southwest corner of Lot 2, Certified Survey Map No. 8144; thence South 00 degrees 06 minutes 55 seconds East along the West line of Certified Survey Map No. 9632 as



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recorded in Volume 55, pages 194-197 as Document No. 3199102 a distance of 888.03 feet; thence South 87 degrees 57 minutes 29 seconds East, 1.15 feet; thence South 00 degrees 20 minutes 15 seconds West, 198.79 feet to the Southwest corner of Lot 2 of said Certified Survey Map No. 9632; thence North 89 degrees 42 minutes 22 seconds East along the South line of said Lot 2 a distance of 519.85 feet to the Westerly right-of-way line of U.S.H. '51'; thence North 01 degrees 42 minutes 26 seconds East along said Westerly right-of-way line, 171.19 feet; thence South 88 degrees 07 minutes 03 seconds East, 123.54 feet to the East line of the Southeast Quarter of said Section 1 and the Westerly corporate boundary of the City of Stoughton; thence South 00 degrees 17 minutes 13 seconds East along the East line of said Southeast Quarter and said Westerly corporate boundary, 42.54 feet; thence North 88 degrees 23 minutes 40 seconds East, 41.11 feet to the Easterly right-of-way line of U.S.H. '51'; thence South 03 degrees 23 minutes 52 seconds East along said easterly right-of-way line, 122.33 feet to a point of curve; thence Southeasterly 1,089.67 feet along an arc of a curve to the left, having a radius of 976.74 feet, the chord bearing South 30 degrees 13 minutes 16 seconds East, 1,034.04 feet; thence South 63 degrees 11 minutes 08 seconds East, 113.67 feet; thence South 00 degrees 58 minutes 35 seconds East, 179.65 feet to the Point of Beginning.

Parcel contains 6,107,862 square feet or 140.217 acres.



WISCONSIN DEPARTMENT OF
ADMINISTRATION

SCOTT WALKER
GOVERNOR

MIKE HUEBSCH
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/>

June 20, 2013

PETITION FILE NO. 13684

MARIA P HOUGAN, CLERK
CITY OF STOUGHTON
381 E MAIN ST
STOUGHTON, WI 53589

DAWN GEORGE, CLERK
TOWN OF RUTLAND
4177 OLD STAGE RD
BROOKLYN, WI 53521

Subject: MABIE/VEEK/BURNO/GUENTHER ANNEXATION

The proposed annexation has been resubmitted to our office for review. The petition has been revised to address concerns the Department detailed in our May 17, 2013 review letter and we now find the petition to be in the public interest.

The petitioner's initial configuration was found to be against the public interest because it would have created an illegal town island that was completely surrounded by the City of Stoughton. Petitioners have amended their annexation to exclude the State Highway 138 road right-of-way (see enclosed scale map) and thereby provide connection to the parcel and avoid creation of an illegal town island.

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: 13684**

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, Town of Dunkirk



CITY OF STOUGHTON
DEPARTMENT OF
PLANNING & DEVELOPMENT
381 East Main Street, Stoughton, WI. 53589

(608) 873-6619

www.ci.stoughton.wi.us

RODNEY J. SCHEEL
DIRECTOR

Date: June 19, 2013

To: Pili Hougan
Deputy Clerk

From: Rodney J. Scheel
Director of Planning & Development

Subject: Item for the June 25, 2013 Common Council Meeting.

Council Agenda:

New Business

1. O- 16-13 Annexation request by Mabie/Veek/Burno/Guenther for approximately 140 acres from the Town of Rutland.

On June 24, 2013 the Planning Commission will review this annexation request and make a recommendation to the Common Council. The annexation ordinance and supporting documents are provided. The petitioners request waiving the second reading and approval of the annexation.

Annexation Review Questionnaire

Wisconsin Department of Administration

WI Dept. of Administration
Municipal Boundary Review
101 E. Wilson Street, 9th Floor
Madison WI 53703
608-264-6102 Fax: 608-267-6104
wimunicipalboundaryreview@wi.gov
<http://doa.wi.gov/municipalboundaryreview/>

Petitioner: **Mabie/Veek/Burno/Guenther** Petition Number: **13684**

1. Territory to be annexed: From Town of: **Rutland** To City/Village of: **Stoughton**

2. Area (Acres): **142**

3. Pick one: ☒ Property Tax Payments **OR** ☐ Boundary Agreement

a. Annual town property tax on territory to be annexed: **\$2120** a. Title of boundary agreement _____

b. Total that will be paid to Town (annual tax multiplied by 5 years): **10600** b. Year adopted _____

c. Paid by: ☒ Petitioner ☐ City ☐ Village c. Participating jurisdictions

☐ Other: d. Statutory authority (pick one)

☐ [s. 66.0307](#) ☐ [s. 66.0225](#) ☐ [s. 66.0301](#)

4. Resident Population: Electors: **6** Total: **6**

5. Approximate **present land use** of territory:

Residential: **4%** Recreational: _____% Commercial: _____% Industrial: _____%

Undeveloped: **96%**

6. If territory is undeveloped, what is the **anticipated use**?

Residential: **15%** Recreational: **5%** Commercial: **40%** Industrial: _____%

Other: **40**

Comments: **Stoughton has adopted a Detailed Neighborhood Plan for this area. Significant Stormwater management and rights-of-way are the principal "other" use. I have attached a copy of the Land Use Map associated with the Detailed Neighborhood Plan for this area.**

7. Has a ☐ preliminary or ☐ final plat been submitted to the Plan Commission: ☐ Yes ☒ No

Plat Name: _____

8. What is the **nature of land use adjacent** to this territory in the city or village? **Land to the east are commercial and retail.**

In the town?: **Auto dealerships, Garden Center, a few residential properties and farmland.**

9. What are the **basic service needs** that precipitated the request for annexation?

☒ Sanitary sewer ☒ Water supply ☒ Storm sewers

☐ Police/Fire protection ☐ EMS ☒ Zoning

Other

10. Is the city/village or town capable of providing needed utility services?

City/Village ☒ Yes ☐ No.

Town ☐ Yes ☒ No

If yes, approximate time table for providing service:

Sanitary Sewers immediately

City/Village ☒

Town ☐

or, write in number of years.

1

Water Supply immediately,

City/Village ☒

Town ☐

or, write in number of years.

1

Will provision of sanitary sewers and/or water supply to the territory proposed for annexation require capital expenditures (i.e. treatment plant expansion, new lift stations, interceptor sewers, wells, water storage facilities)?

☒ Yes ☐ No.

If yes, identify the nature of the anticipated improvements and their probable costs: **The property owner will be required to extend sewer and water services to the property at their expense. This area is anticipated for future City development and included in the City's Comprehensive Plan for urban development. The timeline for extension of services will be considered as part of developer's interest to expand the adjacent City serviced subdivision to the north following annexation but may start as soon as the fall of 2013.**

11. Planning:

1. Do you have a comprehensive plan for the City/Village/Town? ☒ Yes ☐ No

Is this annexation consistent with your comprehensive plan? ☒ Yes ☐ No

Describe: **The property is located within the City's Short-Term Urban Growth Area.**

2. Annual appropriation for planning? \$ _____

3. How is the annexation territory now zoned? **County Zoning**

4. How will the land be zoned and used if annexed? **City Zoning - several zoning districts are anticipated to accommodate a wide range of uses including, retail, office, parks and open space, residential, institutional, etc.**

12. Other relevant information and comments bearing upon the public interest in the annexation:

The City has gone through an extensive Urban Service Area Amendment process and Detailed Neighborhood Planning process for this parcel to be included in the City of Stoughton. The community is excited about the potential this development offers the City.

Prepared by: ☐ Town ☒ City ☐ Village

Name: **Rodney Scheel**

Email: **rjscheel@ci.stoughton.wi.us**

Phone: **608-873-6619**

Date: **5-28-2013**

(April 2013)

Please **RETURN PROMPTLY** to:

wimunicipalboundaryreview@wi.gov

Municipal Boundary Review

PO Box 1645, Madison WI 53701

Fax: (608) 264-6104

Request for Annexation Review

13684

Wisconsin Department of Administration

Division of Intergovernmental Relations
Municipal Boundary Review
101 E. Wilson Street, 10th Floor
Madison, WI 53702-0001

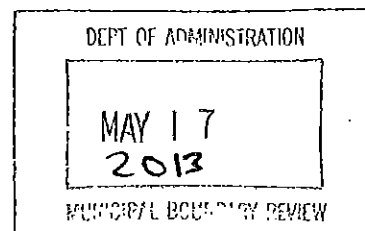
608-264-6102 Fax: 608-267-6917
Erich.Schmidtke@Wisconsin.gov

Petitioner Information

Name: 1. Leslie R. and Jeannette Mabie; 2. Robert and Margaret Veek; 3. Peter H. and Laura Burno; 4. 1400 US Highway 51 LLC, c/o Randall J. Guenther _____

Address: 1. 3234 STH 138, Stoughton, WI 53589; 2. 1355 Veek Road, Stoughton, WI 53589; 3. 1343 Veek Road, Stoughton, WI 53589; 4. PO Box 7700, Madison, WI 53707

Office use only:



1. Town where property is located: Town of Rutland

2. Petitioned City or Village: City of Stoughton, WI

3. County where property is located Dane County

4. Population of the territory to be annexed 6 _____

5. Area (in acres) of the territory to be annexed 142.256 acres

6. Tax parcel number(s) of territory to be annexed 1. 052/0510-014-8060-5, 052/0510-014-8500-2, 052/0510-014-9001-4, 052/0510-014-9570-6; 2. 052/0510-014-9810-5, 052/0510-014-9820-3, 052/0510-014-9920-2; 3. 052/0510-014-9840-9; 4. 052/0510-014-8375-0 _____
(if the territory is part or all of an existing parcel)

608.848.9050

Petitioner's phone #

608.455.3925

Town Clerk's phone #

608.873.6677

City/Village Clerk's phone #

Contact Information if different than petitioner:

Representative's Name and Address:

Forward Development Group LLC., Dennis Steinkraus,
161 Horizon Dr., Suite 101A, Verona, WI 53593

Phone 608.848.9050

Surveyor or Engineering Firm's Name and Address:

JSD Professional Services, Inc., Wade Wyse, 161
Horizon Dr., Verona, WI 53593

Phone 608.848.5060

13684

Owners Of All Lands Within The Territory Proposed To Annexed:

Tract A: Mabie Farm (part)

Date of Signing:
April 24, 2013

Name of Owner: Leslie R and Jeannette Mabie

Address of Owner: 3234 STH 138
Stoughton, WI 53589

Signature:

Leslie R. Mabie

Signature:

Jeannette B. Mabie

Tax Parcels:

052-0510-014-8060-5 (part)

052-0510-014-8500-2 (part)

052-0510-014-9001-4

052-0510-014-9570-6

13684

Tract C: Burno

Date of Signing:
April 30, 2013

Name of Owner: Peter H. and Laura Burno

Address of Owner: 1343 Veek Road
Stoughton, WI 53589

Signature: Peter H. Burno

Signature: Laura J. Burno

Tax Parcels:

052-0510-014-9840-9

13684

All Electors Residing Within The Territory Proposed To Be Annexed:

Tract A: Mabie Farm

Date of Signing:

April 24, 2013

Signature:

Leslie R. Mabie

Name of Elector: Leslie R. Mabie

Address of Elector: 3234 STH 138
Stoughton, WI 53589

Date of Signing:

April 24, 2013

Signature:

Jeannette Mabie

Name of Elector: Jeannette Mabie

Address of Elector: 3234 STH 138
Stoughton, WI 53589

Tract C: Burno

13684

Date of Signing:

April 30, 2013

Signature:



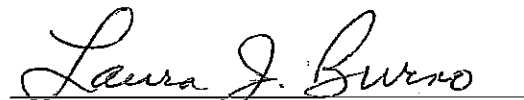
Name of Elector: Peter H. Burno

Address of Elector: 1343 Veek Road
Stoughton, WI 53589

Date of Signing:

April 30, 2013

Signature:



Name of Elector: Laura Burno

Address of Elector: 1343 Veek Road
Stoughton, WI 53589