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 DUNN TO THE CITY OF STOUGHTON, DANE COUNTY, WISCONSIN Committee Action: Plan Commission recommends Council approval - 0 Fiscal Impact: $0	
File Number: O - - 2019	**Date Introduced:**

RECITALS

A. DVORAK INVESTMENTS II, LLC ("Owner") owns land in the Town of Dunn as described in Exhibit A (the "Territory") and is seeking to annex the Territory 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 is in the process of being reviewed by the Wisconsin Department of Administration.

D. The annexation represents approximately 59.355 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 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. 16 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.

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 July 23, 2019

APPROVED:

By:_____
Tim Swadley, Mayor

ATTEST:

_____
Holly Licht, City Clerk

APPROVED: _____
PUBLISHED: _____

ANNEXATION PETITION

UNANIMOUS PETITION FOR DIRECT ANNEXATION UNDER § 66.0217(2), WIS. STATS.

To the City Council of the City of Stoughton, Dane County, Wisconsin:

1. The undersigned hereby petition for direct annexation of the territory legally described on Exhibit A attached hereto to the City of Stoughton, Dane County, Wisconsin, whereby said territory would be detached from the Town of Dunn, Dane County, Wisconsin, pursuant to § 66.0217(2), Wis. Stats.

2. Attached hereto as Exhibit B is a scale map which accurately reflects the legal description of the property to be annexed and the boundary of the annexing the City and includes a graphic scale on the face of the map.

3. The current population of the territory proposed to be annexed is 0.

4. This petition has been signed by the owners of all of the land within the territory proposed to be annexed, and by all of the electors residing within the territory proposed to be annexed.

Owners of All Lands Within the Territory Proposed to be Annexed:

Name of Owner: Dvorak Investments II, LLC

Address of Owner: 1081 Eagle Court
Edgerton, WI. 53534

Date of Signing: May 7, 2019

Signature: By: _____
Robert H. Dvorak,
Authorized Member

EXHIBIT A

RHD Properties LLC
Annexation Legal Description

Parcel 1:

A part of the Northeast ¼ of the Southeast ¼ and a part of the Southeast ¼ of the Northeast ¼ all within Section 36, Township 6 North, Range 10 East in the Town of Dunn, Dane County, Wisconsin. More particularly described as follows:

Commencing at the East ¼ corner of said Section 36; thence South 01°22'47" West along the East line of the Southeast ¼ of said Section 36, a distance of 66.01 feet to the Point of Beginning; thence continuing South 01°22'47" West along the East line of the Southeast ¼ of said Section 36, a distance of 1246.53 feet to the Southeast corner of the said Northeast ¼ of the Southeast ¼; thence North 89°42'12" West along the South line of the said Northeast ¼ of the Southeast ¼, a distance of 1311.99 feet to the Southwest corner of the said Northeast ¼ of the Southeast ¼; thence North 01°11'51" East along the West line of the said Northeast ¼ of the Southeast ¼, a distance of 1319.32 feet to the Northwest corner of the said Northeast ¼ of the Southeast ¼; thence North 01°17'52" East along the West line of the said Southeast ¼ of the Northeast ¼, a distance of 1091.70 feet to a point on the Southwesterly right-of-way of USH 51; thence along the Southwesterly right-of-way of USH 51 the following courses:

1) Thence South 51°30'25" East, a distance of 181.94 feet;
2) Thence South 36°34'32" East, a distance of 155.24 feet;
3) Thence South 51°30'25" East, a distance of 200.00 feet;
4) Thence South 68°12'22" East, a distance of 104.40 feet;
5) Thence South 51°30'25" East, a distance of 316.16 feet to a point at the intersection of the westerly property line of lands owned by Wisconsin Department of Transportation;

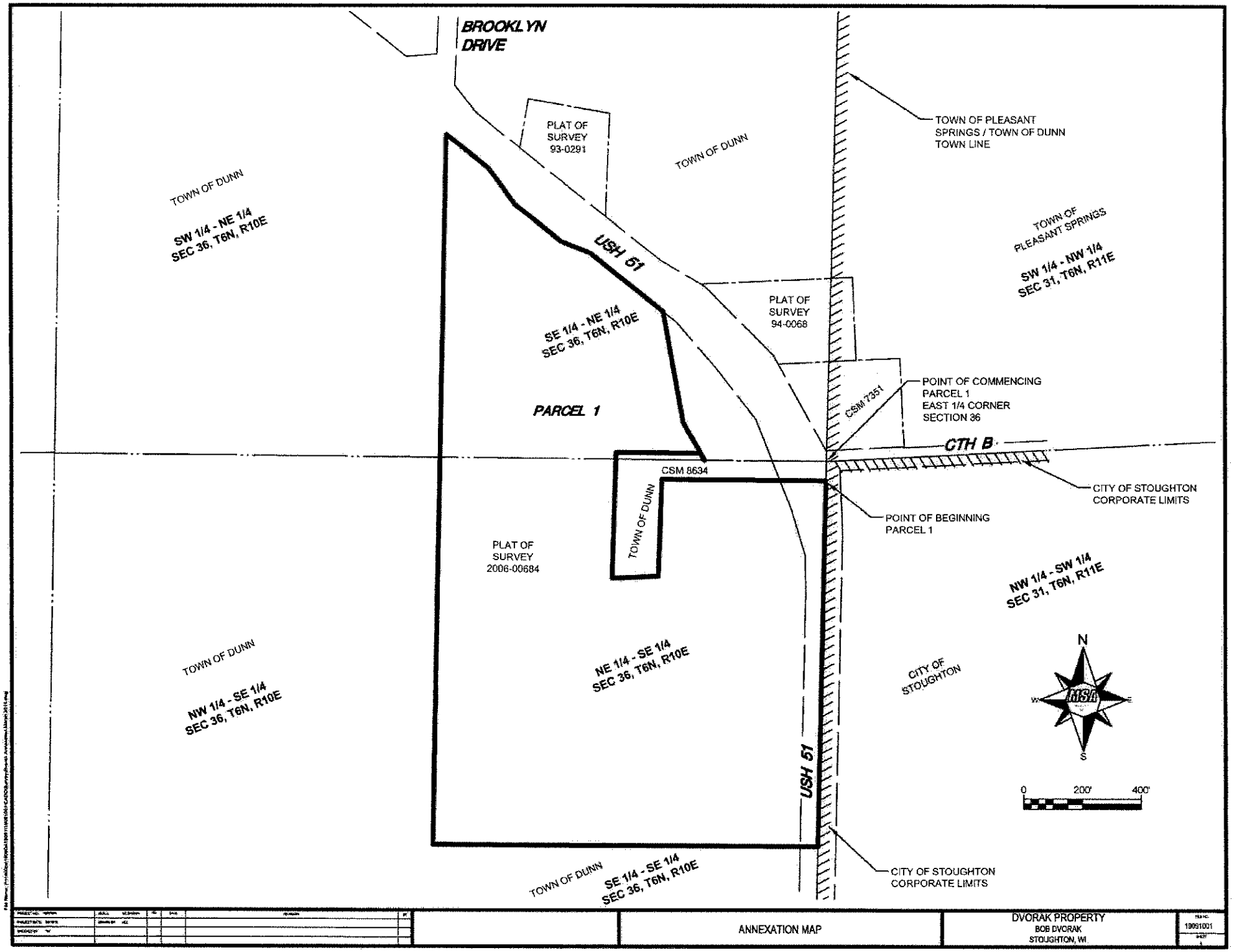
Thence leaving the said right-of-way of USH 51 South 10°09'19" East along the westerly property line of lands owned by the Wisconsin Department of Transportation, a distance of 381.88 feet; thence South 29°57'19" East along the westerly property line of lands owned by the Wisconsin Department of Transportation, a distance of 146.40 feet to a point on the North line of Lot 1 of Certified Survey Map No. 8634 recorded in Volume 47, Pages 224-225 as Document No. 2869955; thence along the boundary of said Lot 1 the following courses:

1) Thence North 89°23'36" West, a distance of 1.02 feet;
2) Thence North 30°03'52" West, a distance of 26.76 feet;
3) Thence North 89°24'19" West, a distance of 286.90 feet;
4) Thence South 01°57'05" West, a distance of 428.79 feet;
5) Thence North 87°23'21" East, a distance of 157.87 feet;
6) Thence North 02°11'39" East, a distance of 330.86 feet;
7) Thence South 89°24'19" East, a distance of 402.03 feet to a point on the said Southwesterly right-of-way of USH 51;

Thence leaving the said boundary of Lot 1 of Certified Survey Map No. 8634 and continuing South 89°24'19" East, a distance of 156.96 feet to the Point of Beginning.

Said Parcel contains 2,235,268 square feet or 51.315 acres more or less.

EXHIBIT B


BROOKLYN DRIVE
PLAT OF SURVEY 93-0291
TOWN OF DUNN
TOWN OF PLEASANT SPRINGS / TOWN OF DUNN TOWN LINE
TOWN OF DUNN
SW 1/4 - NE 1/4 SEC 36, T6N, R10E
USH 51
TOWN OF PLEASANT SPRINGS
SW 1/4 - NW 1/4 SEC 31, T6N, R11E
PLAT OF SURVEY 94-0068
SE 1/4 - NE 1/4 SEC 36, T6N, R10E
PARCEL 1
CSM 7351
POINT OF COMMENCING PARCEL 1 EAST 1/4 CORNER SECTION 36
CTH B
CSM 8634
TOWN OF DUNN
CITY OF STOUGHTON CORPORATE LIMITS
POINT OF BEGINNING PARCEL 1
PLAT OF SURVEY 2006-00684
NW 1/4 - SW 1/4 SEC 31, T6N, R11E
TOWN OF DUNN
NE 1/4 - SE 1/4 SEC 36, T6N, R10E
CITY OF STOUGHTON
NW 1/4 - SE 1/4 SEC 36, T6N, R10E
N
W
E
S
0
200'
400'
USH 51
TOWN OF DUNN
SE 1/4 - SE 1/4 SEC 36, T6N, R10E
CITY OF STOUGHTON CORPORATE LIMITS
ANNEXATION MAP
DVORAK PROPERTY
BOB DVORAK
STOUGHTON, WI.
19091001

AMENDED

Request for Annexation Review

Wisconsin Department of Administration

WI Dept. of Administration
Municipal Boundary Review
PO Box 1645, Madison WI 53701
608-264-6102 Fax: 608-264-6104
wimunicipalboundaryreview@wi.gov
http://doa.wi.gov/municipalboundaryreview

Petitioner Information

Name: **DVORAK INVESTMENTS II, LLC**

Address: **ATTN: ROBERT DVORAK**
1081 EAGLE COURT
EDGERTON, WI 53534

Email: **BOB@RHDPROPERTIES.COM**

Office use only:

RECEIVED
AUG 20 2019
Municipal Boundary Review
Wisconsin Dept. of Admin.

1. Town 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: **51.315**
6. Tax parcel number(s) of territory to be annexed (if the territory is part or all of an existing parcel): **028/061038480011 AND 028/061036196516**

Petitioners phone: **608-712-2048**

Town clerk's phone: **608-838-1081**

City/Village clerk's phone: **608-873-6677**

Contact Information if different than petitioner:

Representative's Name and Address:
RUMPF LAW OFFICE, S.C.
ATTN: MICHAEL D. RUMPF
PO BOX 1
CAMBRIDGE, WI 53523
Phone: **608-423-3254**
E-mail: **MRUMPF@RUMPFLAW.COM**

Surveyor or Engineering Firm's Name & Address:
MSA PROFESSIONAL SERVICES, INC.
ATTN: KEVIN LORD
2901 INTERNATIONAL LANE #300
MADISON, WI 53704
Phone: **608-242-7779**
E-mail: **KLORD@MSA-PS.COM**

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]

(2012)

Rumpf
Law Office, S.C.

152 W. Main Street | P.O. Box 1 | Cambridge, WI 53523
608.423.3254 | fax 608.423.4570

Michael D. Rumpf
mrumpf@rumpflaw.com

August 15, 2019

Municipal Boundary Review
PO Box 1645
Madison, WI 53701

RE: Dvorak Investments II, LLC Annexation
MBR number 14218

Municipal Boundary Review:

Enclosed please find the following:

1. Copy of your letter dated June 17, 2019 regarding file no. 14218.
2. Copy of an Amended Request for Annexation Review.
3. Copy of the amended legal description.
4. Copy of the amended annexation map.

Please process.

Very truly yours,

Michael D. Rumpf
MDR/s
Encl.
cc: City of Stoughton
Town of Dunn
Robert Dvorak

TONY EVERS
GOVERNOR
JOEL BRENNAN
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 20, 2019 PETITION FILE NO. 14248

HOLLY LICHT, CLERK
CITY OF STOUGHTON
207 S FORREST ST
STOUGHTON, WI 53589-1724

CATHY HASSLINGER, CLERK
TOWN OF DUNN
4156 COUNTY RD B
MC FARLAND, WI 53558-9754

Subject: DVORAK INVESTMENTS ANNEXATION

Section 66.0217 (6), Wis. Stats., provides that the annexation of lands to cities and villages within a county having a population of 50,000 or more shall be reviewed by the Department of Administration in order to determine if the proposed annexation is in the public interest or against the public interest. The proposed annexation from the TOWN OF DUNN to the CITY OF STOUGHTON (see attached description) must be reviewed pursuant to the statute.

To assist us in making this determination, we urge that you promptly supply the data requested on the enclosed questionnaire (where possible) and return the questionnaire to the department.

The purpose of this questionnaire is to assist the department in determining "Whether the governmental services, including zoning, to be supplied to the territory could clearly be better supplied by the town...." The statute further stipulates that the department shall study the "shape of the proposed annexation and the homogeneity of the territory with the annexing municipality." In addition, we would appreciate receiving from you any comments or information bearing on governmental services or shape and homogeneity that would indicate whether the annexation is in or against the public interest.

Please return the questionnaire as soon as possible so that the information can be reviewed prior to the department's statutory deadline of September 10, 2019. Direct any questions and comments to Erich Schmidtke at (608) 264-6102. Thank you for your cooperation.

For additional information on annexation or other land use issues, visit our web site at http://doa.wi.gov/municipalboundaryreview/.

Sincerely,

Erich Schmidtke

Enclosures

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

August 22, 2019

Municipal Boundary Review – DOA
Attention: Erich Schmidtke
101 E. Wilson Street
P.O. Box 1645, Madison, WI 53701

Re: Dvorak Investments II, LLC Annexation: Petition File No. 14248

Dear Mr. Schmidtke:

I have attached the completed Annexation Review Questionnaire for the above annexation petition. This letter is intended to supplement the responses within the questionnaire.

- The petition area is located within the City's Comprehensive Plan to accommodate urban development as part the City of Stoughton. Our Future Land Use Map (copy included) depicts this area as part of the Northwest Planned Mixed Use Area.
- The petition area is contiguous to a large tract of land south of CTH B on the east side of USH 51 that is already in the City limits.
- While this property is currently not in the Urban Service Area, it is anticipated an Urban Service Area amendment will be pursued to include the petition area as the plan for development evolves. Having this property within the City will bolster the application for an Urban Service Area Amendment.
- As reflected in the questionnaire, this property is currently undeveloped and the Town taxes for five years (total $257) will be paid to the Town.
- Stoughton's development history has provided for compact urban development. Working under the City's Comprehensive Plan and Ordinances, the City will work with the landowner to develop a plan for the petition area. Developing a detailed plan for the area before annexation leaves uncertainty of whether an annexation would be approved in the future.
- Upon annexation, we anticipate the petition area will continue to be used for agricultural purposes until development occurs.
- The City has a full-time Director of Planning & Development and a full-time Assistant Planner/Zoning Administrator. The City utilizes local zoning and subdivision regulations for properties within the City as a tool to implement the City's Comprehensive Plan.
- We anticipate a new ward will be created for the petition area.

Please let me know if you have any follow up questions.

Sincerely,
CITY OF STOUGHTON

Rodney Scheel

Rodney Scheel
Director of Planning & Development

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: 608-264-6104
wimunicipalboundaryreview@wi.gov
http://doa.wi.gov/municipalboundaryreview/

Petitioner: **Dvorak Investments II, LLC**

Petition Number: **14248**

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

2. Area (Acres): **51.315**

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

a. Annual town property tax on territory to be annexed: $**51**
b. Total that will be paid to Town (annual tax multiplied by 5 years): **257**
c. Paid by: ☒Petitioner ☐City ☐Village ☐Other:

a. Title of boundary agreement _____
b. Year adopted ____
c. Participating jurisdictions
d. Statutory authority (pick one)
☐s. 66.0307 ☐s. 66.0225 ☐s. 66.0301

4. Resident Population: Electors: **0** Total: **0**

5. Approximate **present land use** of territory:
Residential: ____% Recreational: ____% Commercial: ____% Industrial: ____%
Undeveloped: **100**%

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

Residential: **35**% Recreational: **15**% Commercial: **40**% Industrial: **5**%
Other: **5%**

Comments: **The City's Comprehensive Plan includes the annexation area in our Future Land Use Map as part of our Northwest Planned Mixed Use 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? **Agriculture**

In the town?: **Agriculture**

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:	City/Village	Town
Sanitary Sewers immediately	☒	☐
or, write in number of years.	5+	____
Water Supply immediately,	☒	☐
or, write in number of years.	5+	____

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: **Sanitary Sewer & water infrastructure will need to be extended to this area. Once development plans area submitted and as part of the Urban Service Amendment process, the City will evaluate the scope of these improvements along with the timing and funding mechanisms available.**

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 petition area is located within the City's Comprehensive Plan to accommodate urban development as part the City of Stoughton. Our Future Land Use Map depicts this area as part of the Northwest Planned Mixed Use Area**

2. Annual appropriation for planning? $ _____

3. How is the annexation territory now zoned? **County Zoning - A-1(Ex)**

4. How will the land be zoned and used if annexed? **Under City Zoning, Planned Mixed Use which can include: Planned Business, Institutional, Planned Office, Planned Industrial and Multifamily.**

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

Prepared by: ☐Town ☒City ☐Village

Name: **Rodney Scheel**

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

Phone: **608-873-6619**

Date: **8-22-2019**

Please **RETURN PROMPTLY** to:
wimunicipalboundaryreview@wi.gov

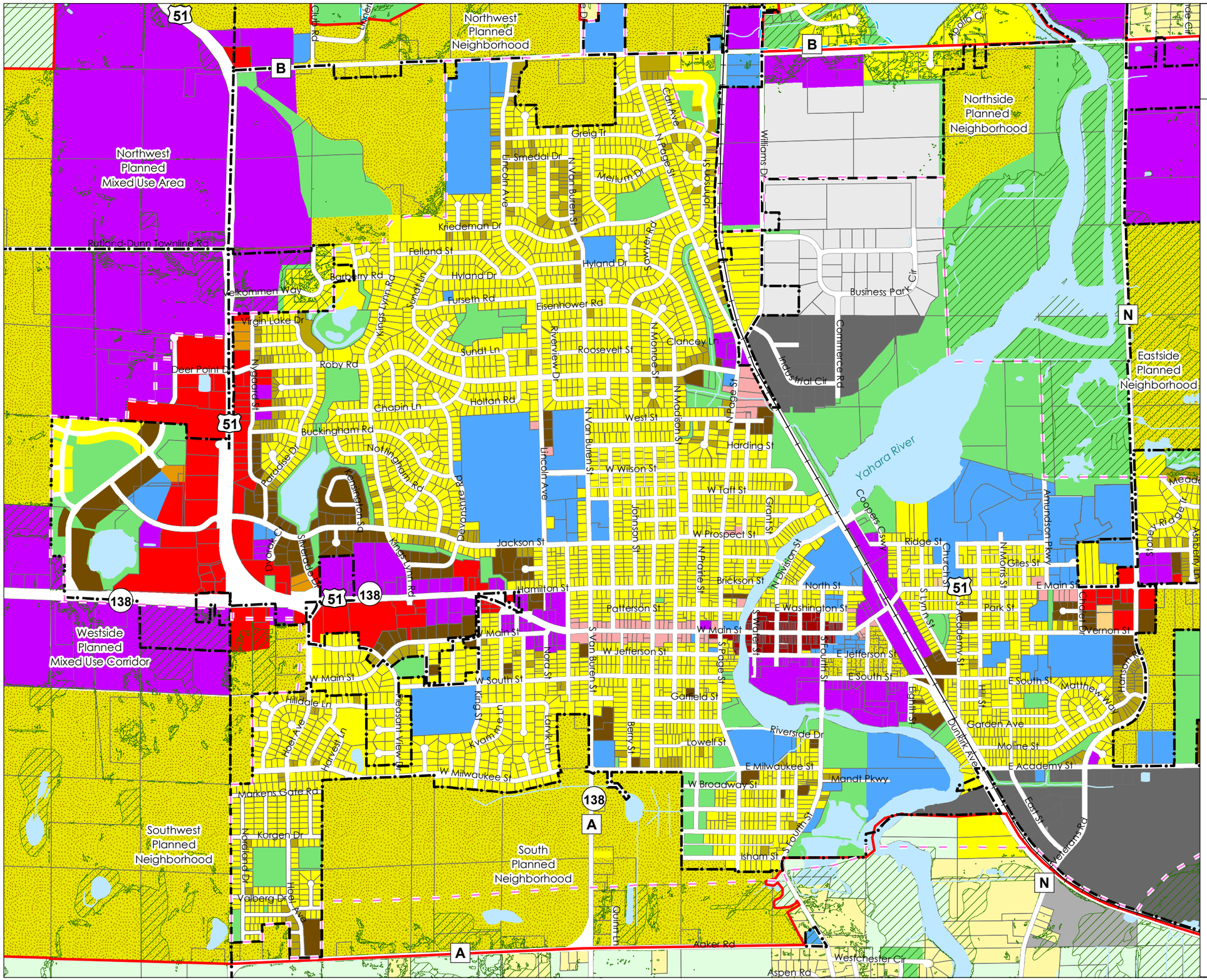
Municipal Boundary Review
PO Box 1645, Madison WI 53701

Fax: (608) 264-6104

(April 2013)

City of Stoughton Comprehensive Plan

Map 6a

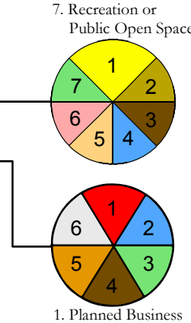


Future Land Use

- Planned Stoughton Urban Development Area**
- 2017 Urban Service Areas
- 2017 Limited Service Areas
- 2017 Municipal Boundaries
- Railroads

Future Land Use

- Agriculture/Rural/Vacant
- Unsewered Residential
- Single Family Residential
- Two Family Residential
- Multi-Family Residential
- Planned Neighborhood
- Central Business
- Planned Mixed Use
- Planned Office
- Neighborhood Office
- Planned Business
- Neighborhood Business
- Planned Industrial
- General Industrial
- Heavy Industrial
- Landfill/Extraction
- Institutional
- Recreation or Public Open Space
- Environmental Corridor (subject to confirmation)*
- Surface Water
- Right-of-Way



1. Single Family Residential
2. Two Family Residential
3. Multi-Family Residential
4. Institutional
5. Neighborhood Office
6. Neighborhood Business
7. Recreation or Public Open Space

1. Planned Business
2. Institutional
3. Recreation or Public Open Space
4. Multi-Family Residential
5. Planned Office
6. Planned Industrial

Shapes on map represent general recommendations for future land use. Actual boundaries between different land use types and associated zoning districts may vary somewhat from representations on this map. Existing (not future) land use pattern shown beyond Planned Development Area.

*Environmental corridors are a composite of the most important natural resources. Individual components consist of most of those elements seen on Map 2: Natural Resources. These include: DNR Wetlands, 100 Year Floodplain, Woodlands, Public Lands, Steep Slopes above 12%, and all other Environmental Corridors as defined by CARPC. Within the Stoughton Urban Service Area, only Corridors defined by CARPC are depicted.

** See Table 9 for Acreage Totals.

0 0.125 0.25 0.5 Miles

Adopted: July 11, 2017

Sources: Dane County LIO, City of Stoughton, CARPC, FEMA, WI DNR, Madison Area Transportation Planning Board

VANDEWALLE & ASSOCIATES INC.
Shaping places, shaping change

N