

COOPERATIVE BOUNDARY PLAN
BETWEEN
THE CITY OF БЕЛОIT AND THE TOWN OF TURTLE
ROCK COUNTY, WISCONSIN

TITLE PAGE

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THE CITY OF БЕЛОIT AND THE TOWN OF TURTLE
ROCK COUNTY, WISCONSIN

May 26, 1999

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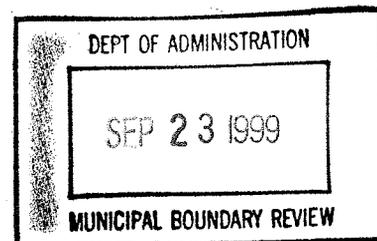


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SECTION 1.0
INTRODUCTION AND PURPOSE OF THE COOPERATIVE BOUNDARY PLAN

SECTION 1.1 INTRODUCTION

This is a Cooperative Boundary Plan (Plan) prepared by the City of Beloit (City) and the Town of Turtle (Town) under the authority of section 66.023 of the Wisconsin Statutes. The City and the Town are entitled to set boundary lines between themselves because they are adjacent municipalities and are parties to this Plan. Pursuant to section 66.023 of the Wisconsin Statutes, this Plan requires public input and comment and approval from additional agencies with final approval by the Department of Administration.

Figure 1 depicts the territory affected by the Plan, including those lands which may be detached from the Town and attached to the City, designed as the Boundary Adjustment Area (BAA), and those lands surrounding the BAA in the Town and the City. The BAA refers to that area encompassing those properties currently within the Town which lie outside the current City boundary, and that may eventually become part of the City. The BAA is 2.5 square miles in area.

As set forth in this cooperative plan, the boundary changes reflected in the BAA are reasonably compatible with the characteristics of the surrounding community. In addition, the shape of the resulting boundary is not the result of arbitrariness and reflects due consideration for compactness in the area.

SECTION 1.2 PURPOSE

This Plan was developed with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the territory covered by the Plan which will, in accordance with existing and future need, best promote public health, safety, morals, order, convenience, prosperity and the general welfare, as well as efficiency and economy in the process of development, all in accord with section 66.023(3)(b) of the Wisconsin Statutes. In this regard, the Plan:

A. Specifies that certain boundary changes may occur during the period of the Plan and the events that would cause those boundary changes;

B. Specifies that any boundary changes shall be subject to certain conditions set forth in the Plan;

C. Specifies that certain boundary changes shall not occur during the period of the Plan, unless otherwise agreed upon by both the City and Town; and

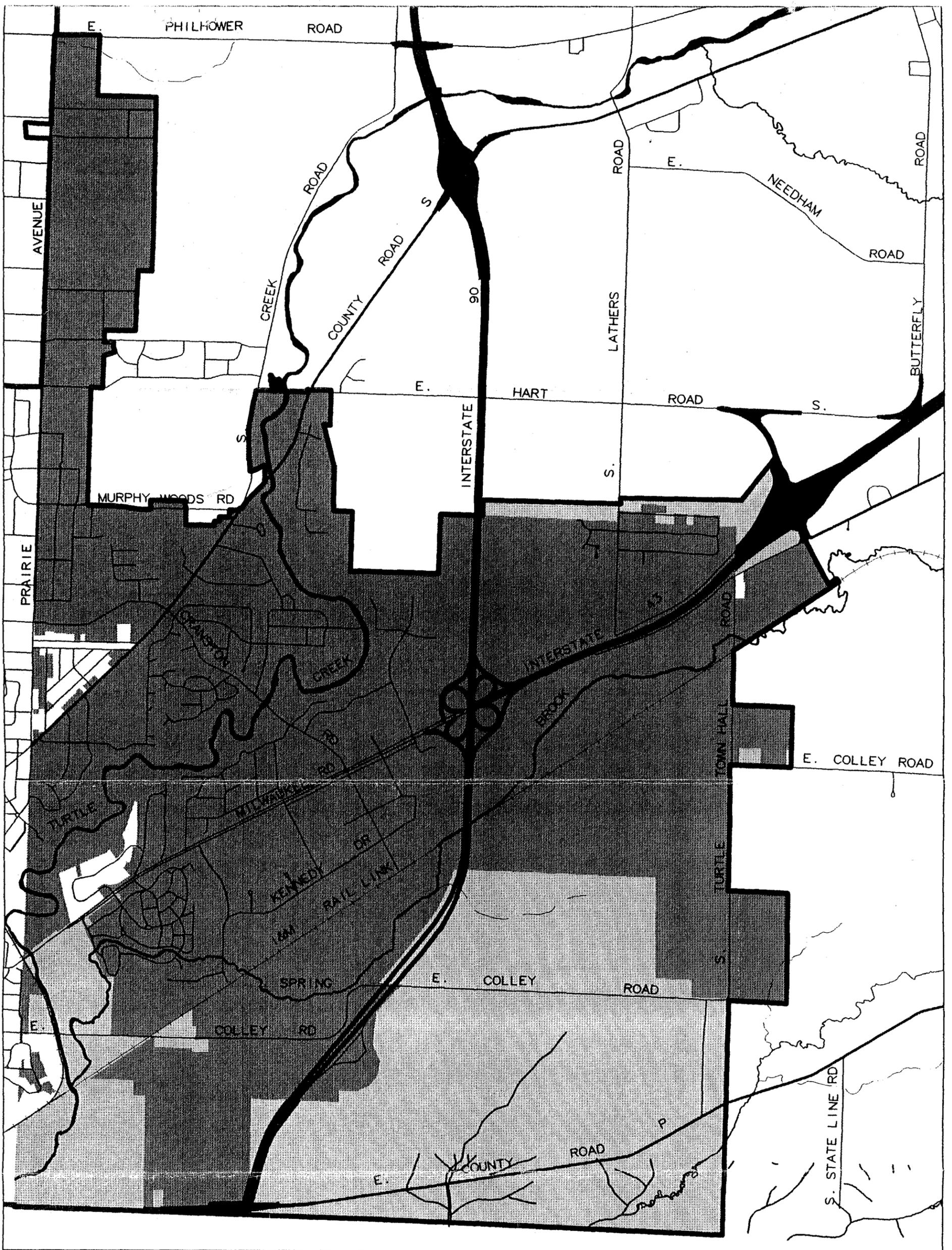
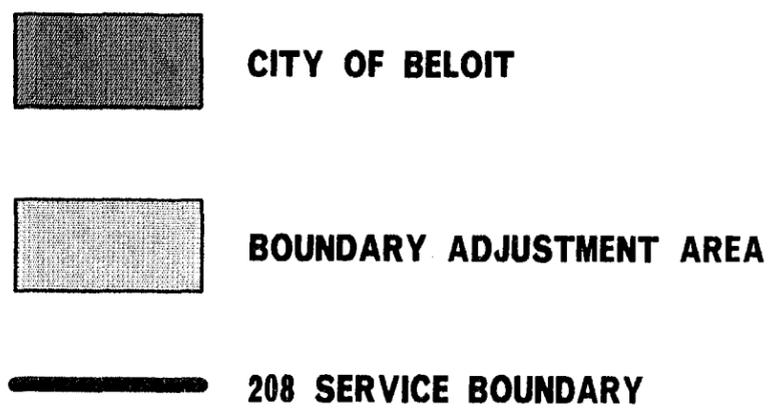


FIGURE 1

BOUNDARY ADJUSTMENT AREA AND VICINITY



D. Sets forth additional obligations of the City and Town in connection with the Plan including compensation from the City to the Town for certain boundary changes.

The Plan also requires that a contact person who is empowered to speak for the participating municipalities be identified. The following persons have been identified as the contact persons:

City Contact Person: Joe Heck
City of Beloit
2351 Springbrook Court
Beloit, Wisconsin 53511
(608) 364-2929 Ex. 14

Town Contact Person: Jim Brandenburg
Town Chairperson
Town of Turtle Service Center
5131 East Creek Road
Beloit, Wisconsin 53511
(608) 362-0655

SECTION 2.0 RESOLUTIONS BY MUNICIPALITIES

SECTION 2.1 AUTHORIZING RESOLUTIONS

Authorizing resolutions must be approved by each participating municipality before Plan preparation may commence according to section 66.023(4)(a) of the Wisconsin Statutes. Authorizing resolutions must be dated and signed by the chief elected official and by the municipal clerk. A copy of the City of Beloit and Town of Turtle initial authorizing resolutions can be found in Appendix A.

SECTION 2.2 NOTICE OF RESOLUTION

Section 66.023(4)(a) of the Wisconsin Statutes requires each municipality to give notice of its resolution in writing, within 5 days after the resolution is adopted, to the Department of Administration; Department of Natural Resources; Department of Agriculture, Trade and Consumer Protection; Department of Transportation; the clerks of any municipality, school district, technical college district, sewerage district or sanitary district which has any part of its territory within 5 miles of a participating municipality; the clerk of each county in which a participating municipality is located; and any county zoning agency under section 59.69(2) of the Wisconsin Statutes or regional planning commission whose jurisdiction includes a participating

municipality. The notices sent by the City and Town are shown in Appendix B.

SECTION 3.0 EXISTING CONDITIONS WITHIN AND ADJACENT TO THE BAA

SECTION 3.1 EXISTING POLITICAL BOUNDARIES

The City of Beloit and the Town of Turtle are the two municipalities participating in this Cooperative Boundary Plan. The City's and Town's current political boundaries are shown on Figure 2.

It is anticipated that there will be no negative impacts to the surrounding units of government as a result of this Cooperative Boundary Plan.

SECTION 3.2 EXISTING LAND USE

Existing land use within the BAA is depicted on Figure 3.

Existing land use in areas adjacent to the BAA is depicted in Figure 4.

SECTION 3.3 EXISTING ENVIRONMENTAL CONDITIONS

A. TOPOGRAPHY

The land within the BAA is generally described as a low-relief moraine. A low-relief moraine is composed of unstratified, intermingled clay, sand, and gravel left by glaciers as they retreated 10,000 to 30,000 years ago. The land is generally flat to gently sloping with some hillier areas in which the slopes exceed 12 percent. The soil overburden is generally 20 to 200 feet in depth with a few areas where it is less than five feet.

A small portion of the BAA is within an outwash plain that contains stratified sand, gravel, and silt laid down by glacial meltwaters. The outwash plain generally is flat and is a primary source for sand and gravel used in highway and building construction. Figure 5 shows the location of the low-relief moraine and outwash plain areas.

B. GEOLOGY

The bedrock geology within the BAA is composed of four basic layers of rock formations. The oldest of these is a vast Precambrian crystalline dome-like structure. The depth

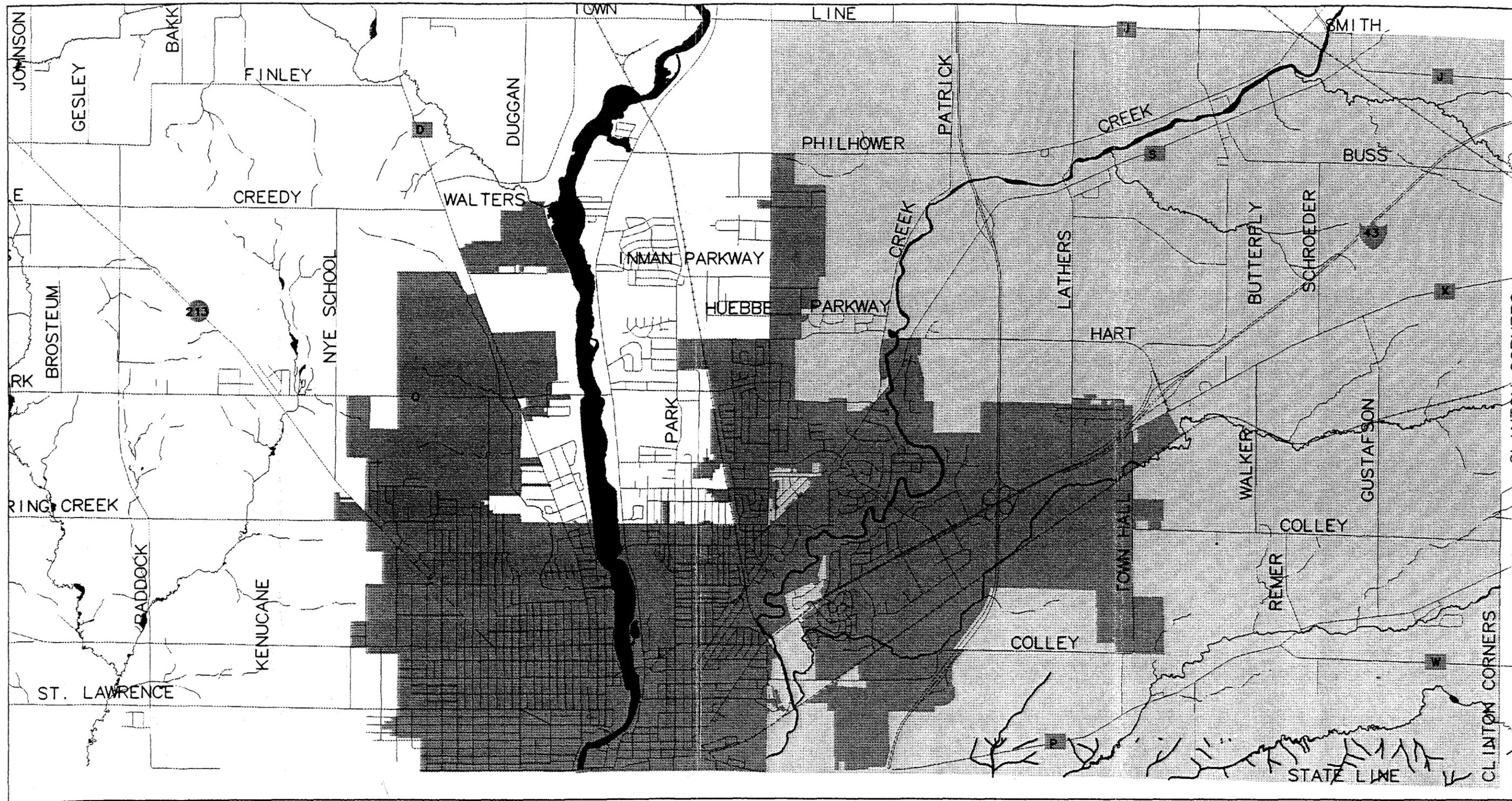


FIGURE 2

**BELOIT CITY LIMITS/
TURTLE TOWN LIMITS**

- BELOIT CITY LIMITS
- TOWN OF TURTLE LIMITS



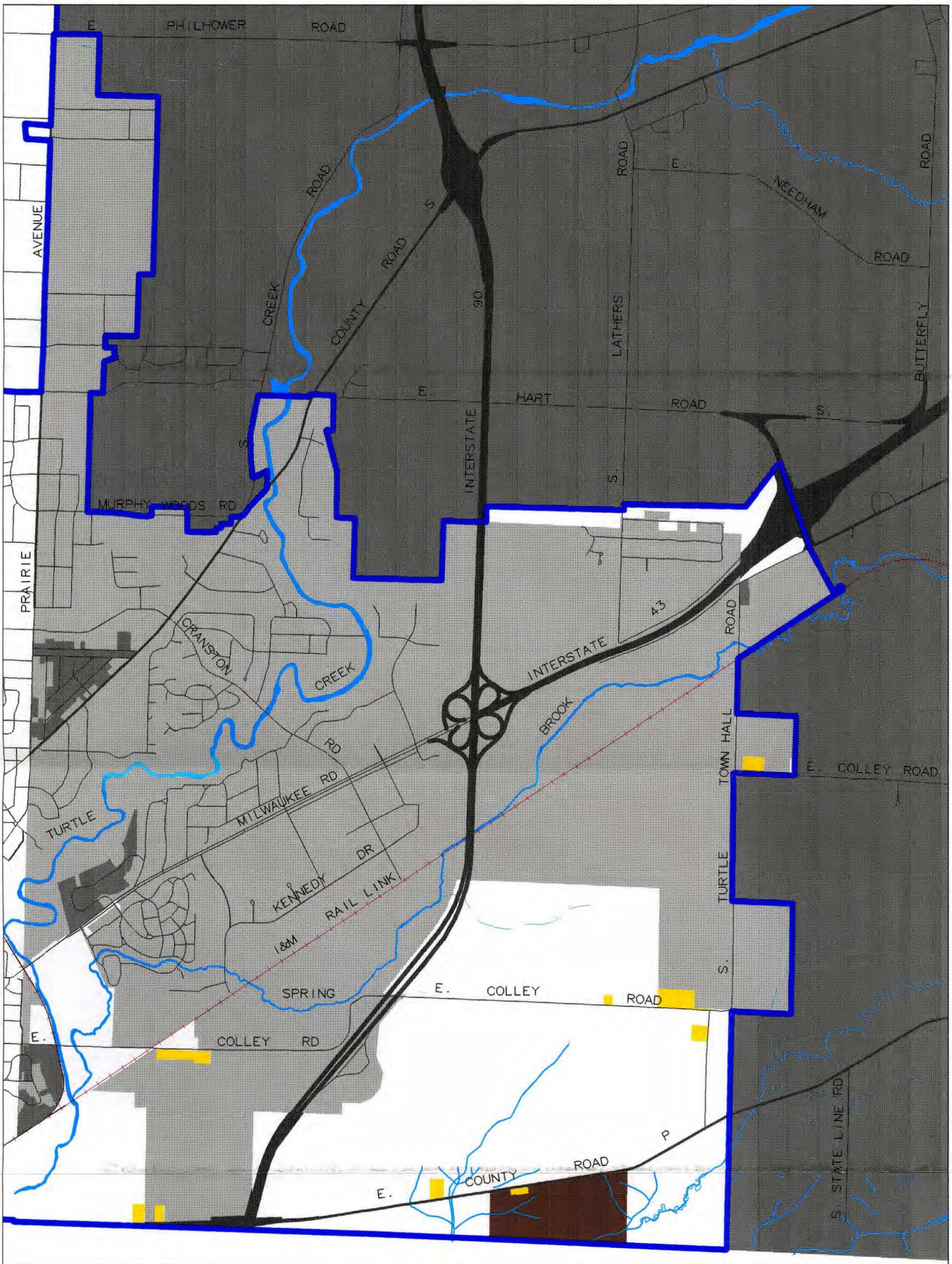


FIGURE 3

BOUNDARY ADJUSTMENT AREA LAND USE

- AGRICULTURE
- LOW DENSITY RESIDENTIAL
- BELOIT AIRPORT
- CITY OF BELOIT
- OUTSIDE BOUNDARY ADJUSTMENT AREA
- 208 SERVICE BOUNDARY



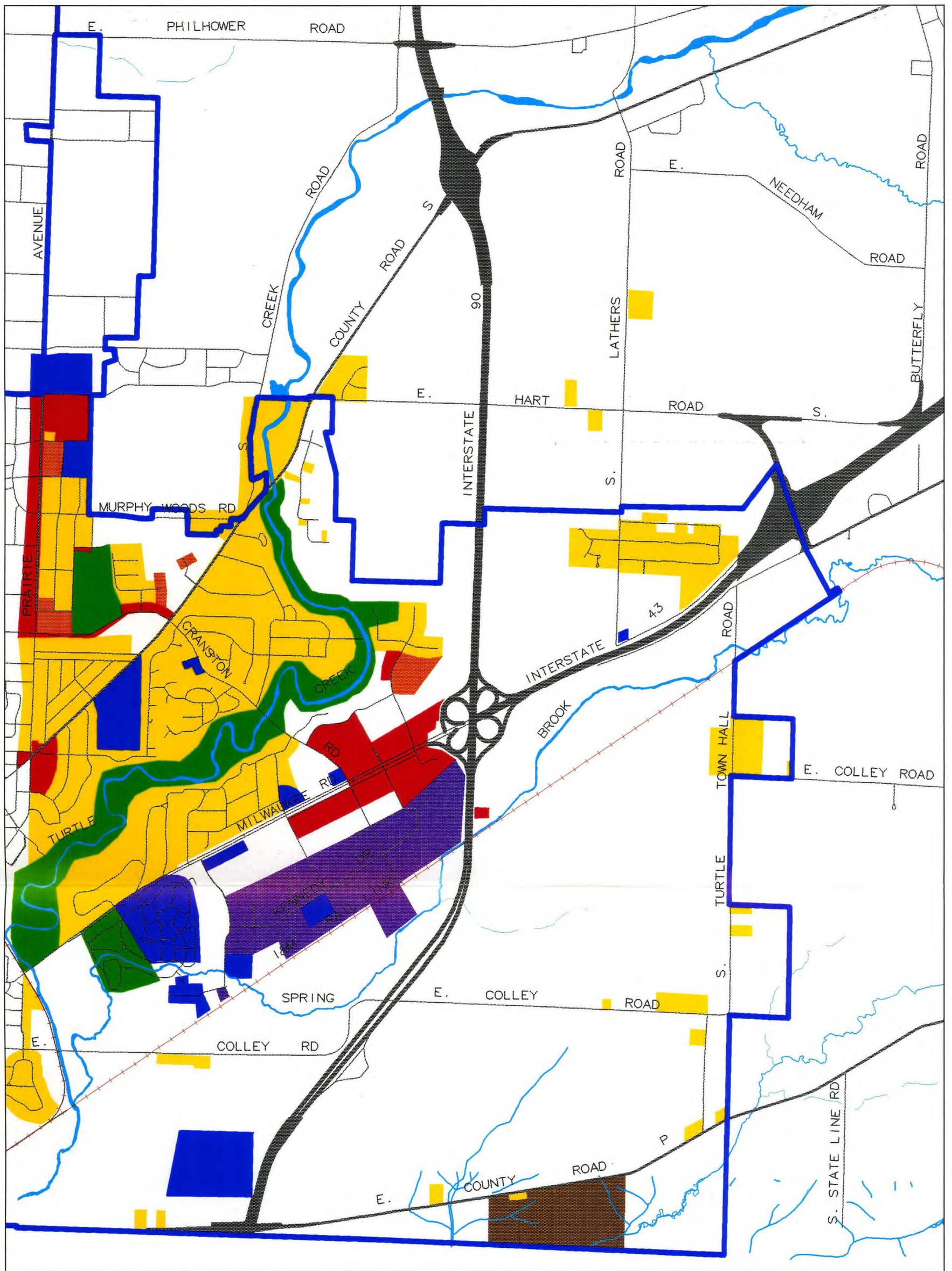


FIGURE 4

**LAND USE IN ADJUSTMENT
AREA AND VICINITY**

- AGRICULTURE/UNDEVELOPED**
- LOW DENSITY RESIDENTIAL**
- HIGH DENSITY RESIDENTIAL**
- COMMERCIAL/OFFICE**
- MANUFACTURING/WAREHOUSING**
- PUBLIC/QUASI-PUBLIC**
- PARKS AND OPEN SPACE**
- BELOIT AIRPORT**
- 208 SERVICE BOUNDARY**



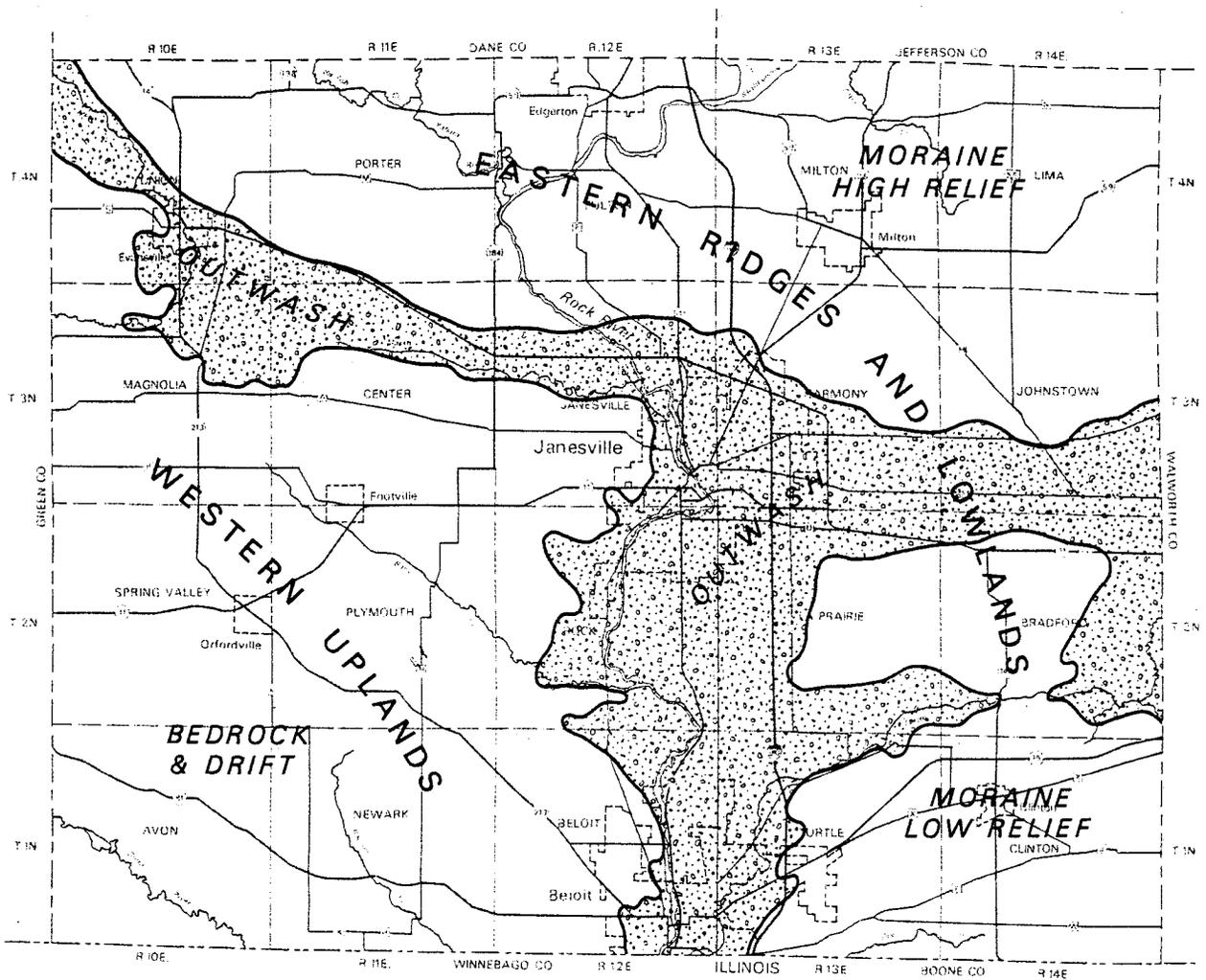


FIGURE 5

ROCK COUNTY TOPOGRAPHY

SOURCE: ZAPOROZEC, ALEXANDER, GROUND-WATER QUALITY OF ROCK COUNTY, WISCONSIN (UNIV. OF WISCONSIN-EXTENSION GEOLOGICAL AND NATURAL HISTORY SURVEY AND ROCK COUNTY DIVISION OF ENVIRONMENTAL HEALTH)

to this structure is unknown because the depth of the overlying rock formations is not known.

Overlying the Precambrian layer is a series of Cambrian-age (about 450 million years old) sandstones. Although their composition varies somewhat, the sandstones form a single water-bearing unit. Most of the water supply within the BAA and Rock County generally comes from the upper layers of the sandstones.

After deposition of the sandstone layers, erosion produced a bedrock surface having a maximum relief of 1,000 feet. The most significant feature of this surface is the ancestral Rock River Valley, which was subsequently filled with glacial outwash and other deposits. Figure 6 shows a geological profile of Rock County.

C. GROUNDWATER

Groundwater within the BAA is found in the Cambrian-age sandstones described above. It forms a virtually endless supply of water flowing under the entire Rock River valley. To date, there have not been serious problems with groundwater contamination, though there are concerns with contamination of shallow wells by animal wastes, fertilizers, and septic systems.

D. AIR QUALITY

Rock County and the greater Beloit area are attainment areas for air pollutants such as nitrous oxides, sulfur dioxide, ozone, hydrocarbons, carbon monoxide, and suspended particulates. Attainment areas meet the federal Environmental Protection Administration guidelines for clean air and are not subject to pollution-control measures commonly found in larger metropolitan areas.

E. SOILS

Soils in the BAA are from the Plano-Warsaw-Dresden and Pecatonica-Ogle-Durand associations. Plano-Warsaw-Dresden soils are moderately deep to deep and well drained with silty and sandy clay loam subsoils over stratified sand and gravel. Most Plano-Warsaw-Dresden soils are cultivated and used to grow corn. Intensive production is possible as long as organic matter and tilth are maintained. Plano-Dresden-Warsaw soils on greater slopes are subject to erosion.

Pecatonica-Ogle-Durand soils are deep and moderately well to well drained with silty or sandy clay loam subsoils over sandy loam glacial till. They are generally found on till plainshaving a slope of less than six percent. Pecatonica-Ogle-Durand soils may be cultivated successfully or may be used for dairy farming. They have the potential for intensive production of vegetables and truck crops. Figure 7 shows the location of these soil associations.

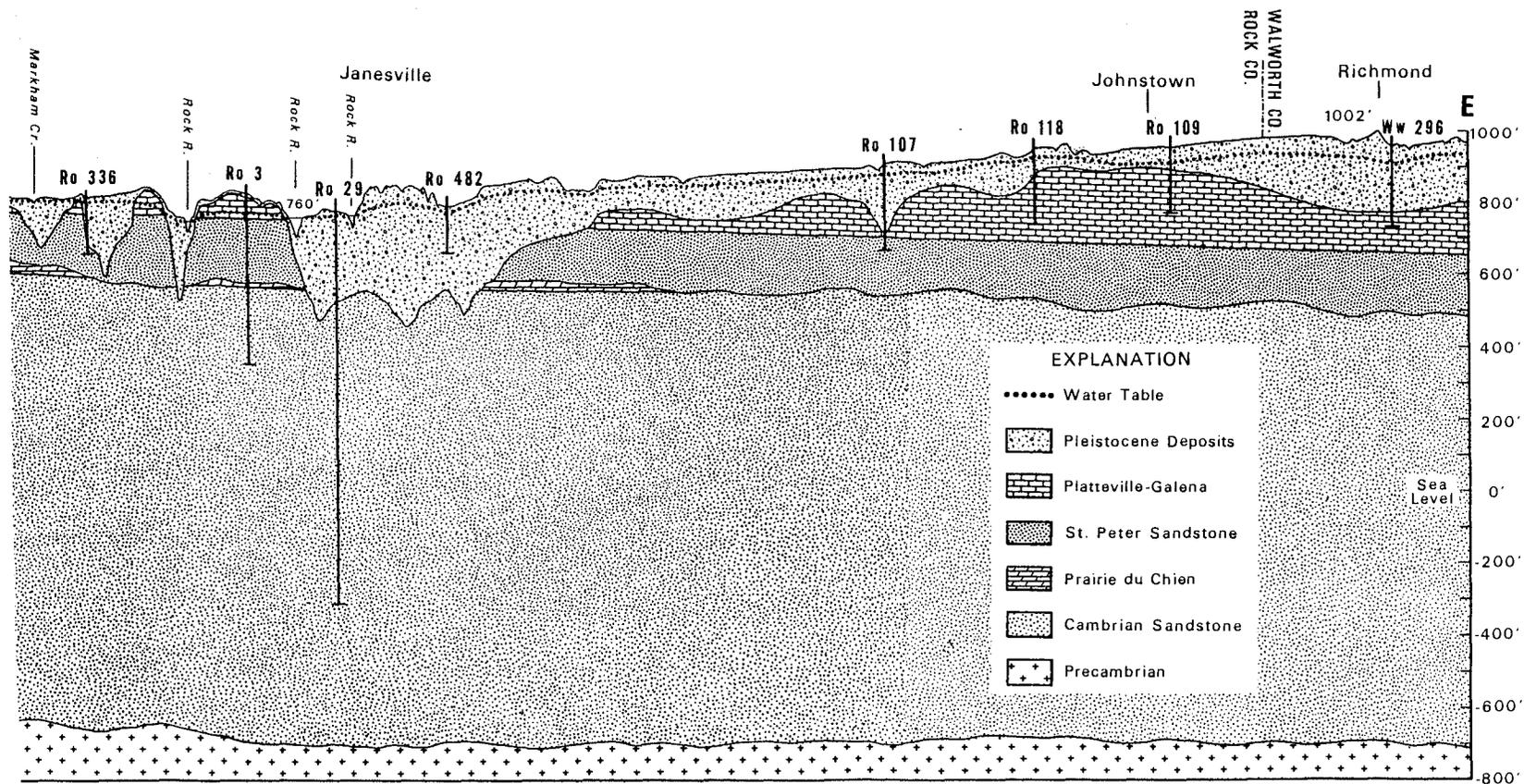


FIGURE 6

ROCK COUNTY GENERALIZED GEOLOGICAL PROFILE

SOURCE: ZAPOROZEC, ALEXANDER, GROUND-WATER QUALITY OF ROCK COUNTY, WISCONSIN (UNIV. OF WISCONSIN-EXTENSION GEOLOGICAL AND NATURAL HISTORY SURVEY AND ROCK COUNTY DIVISION OF ENVIRONMENTAL HEALTH)

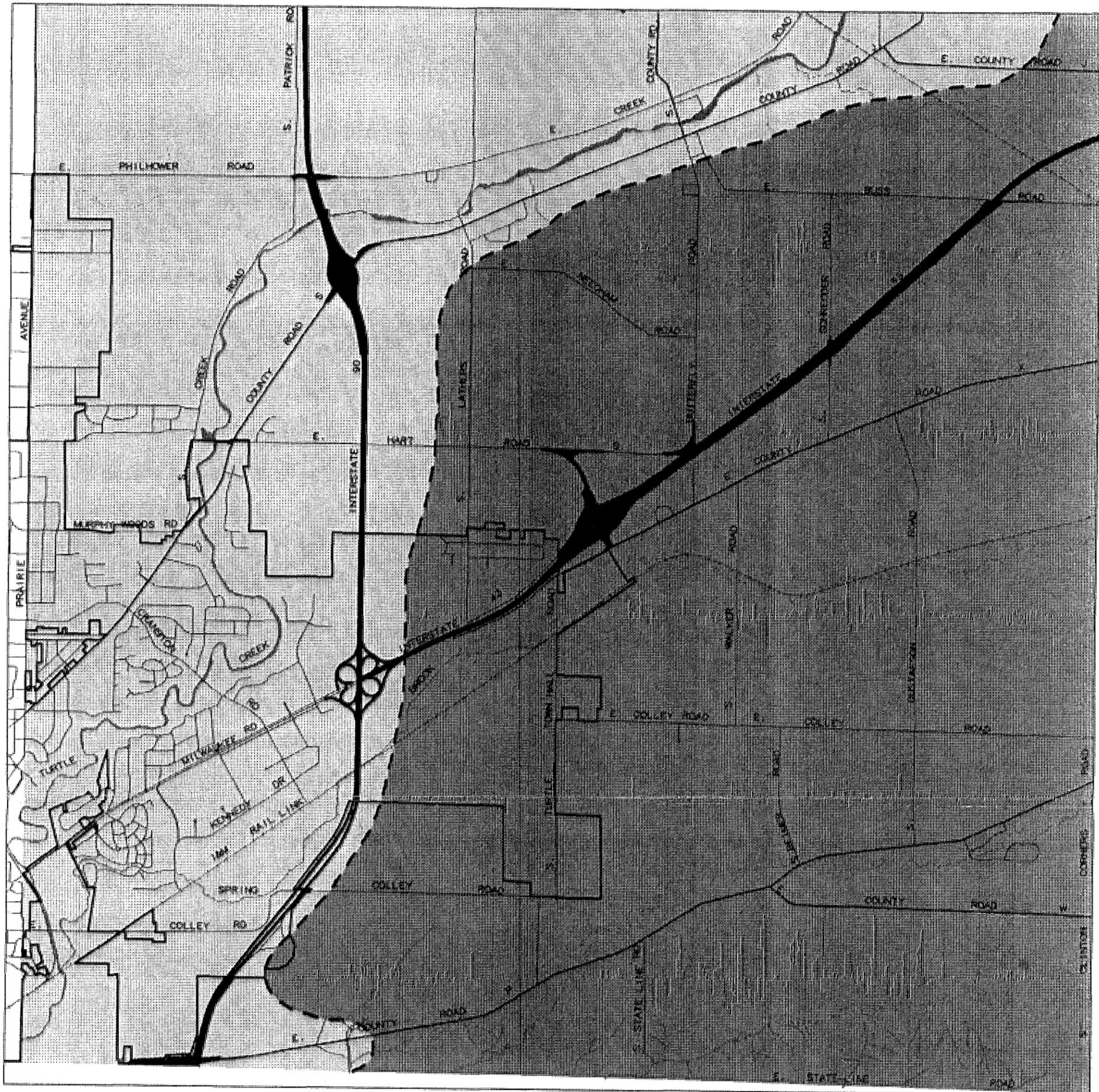
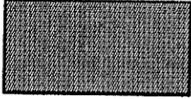
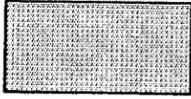


FIGURE 7

SOIL ASSOCIATIONS

- 
PECATONICA-OGLE-DURAND
- 
PLANO-WARSAW-DRESDEN
- 
CITY BOUNDARY



Approximately 60 percent of the soil within the BAA are Class I or II soils as designated under the United States Soil Conservation Service's soil capability rating system. Class I soils have few limitations that restrict their agricultural use while Class II soils have moderate limitations that reduce the choice of plants or require moderate conservation practices. Figure 8 shows the areas of Class I or II soils in the BAA.

F. WETLANDS, WATER BODIES AND BEDROCK

Land within the BAA is drained by one of three waterways: Turtle Creek; Spring Brook; or Dry Creek, shown in Figure 9. All are within the Rock River basin. An environmental corridor is associated with each of the waterways as shown in Figure 10. These corridors include floodplains and wetlands mapped by the Wisconsin Department of Natural Resources.

G. WILDLIFE

Wildlife within the BAA is typical of that found in southern Wisconsin. Upland game, such as rabbits, opossums, and squirrels, are commonly found as are predators such as foxes and raccoons. White-tailed deer are frequently sighted near Turtle Creek and Spring Brook. Game birds, such as pheasants, wild turkeys, and waterfowl may be found as well. Fish, such as small-mouth bass, crappies, blue gills, and catfish, are found in the BAA's waterways. Oysters have been found in Turtle Creek.

Two protected or endangered fish species have been sighted in Spring Brook and Turtle Creek; the gravel chub and the Ozark minnow.

H. HISTORIC SITES

There are three historic sites cataloged within the BAA: the red-brick Savat homestead on County Highway P; the Gilmour homestead in Section 31; and the Dougan barn on Colley Road, east of Interstate 39/90. The Dougan barn is notable for the murals that decorate its interior.

SECTION 3.4 PLANNING DOCUMENTS THAT PERTAIN TO THE BAA

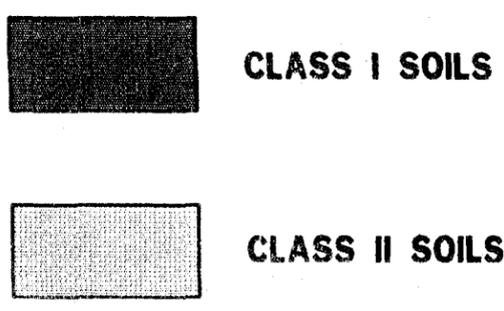
A. CITY OF БЕЛОIT LAND USE PLAN

The City of Beloit's Land Use Plan was adopted by the City Council on March 2, 1998. The citywide land use plan is shown on Figure 11.



FIGURE 8

CLASS I AND II SOILS



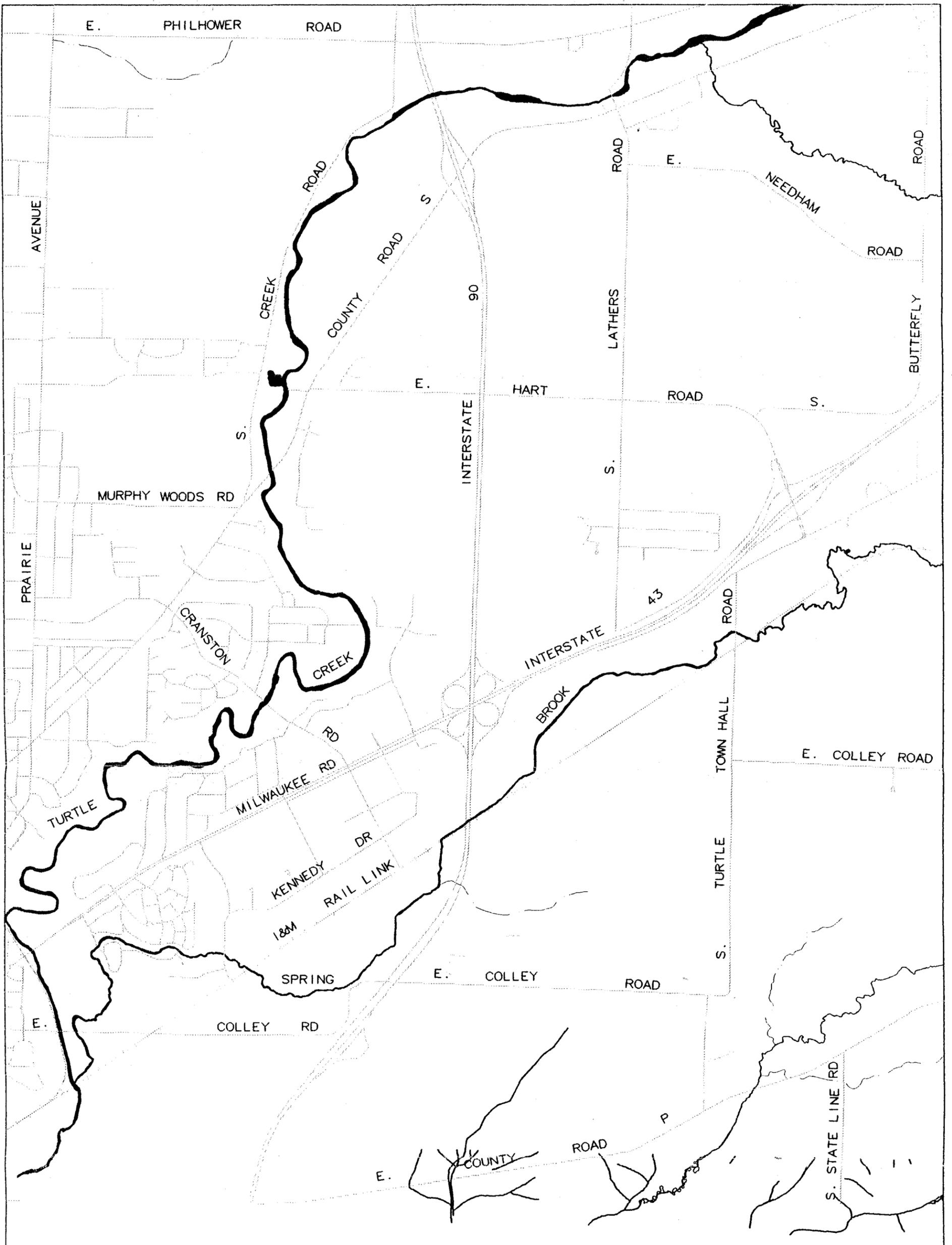


FIGURE 9

WATERWAYS



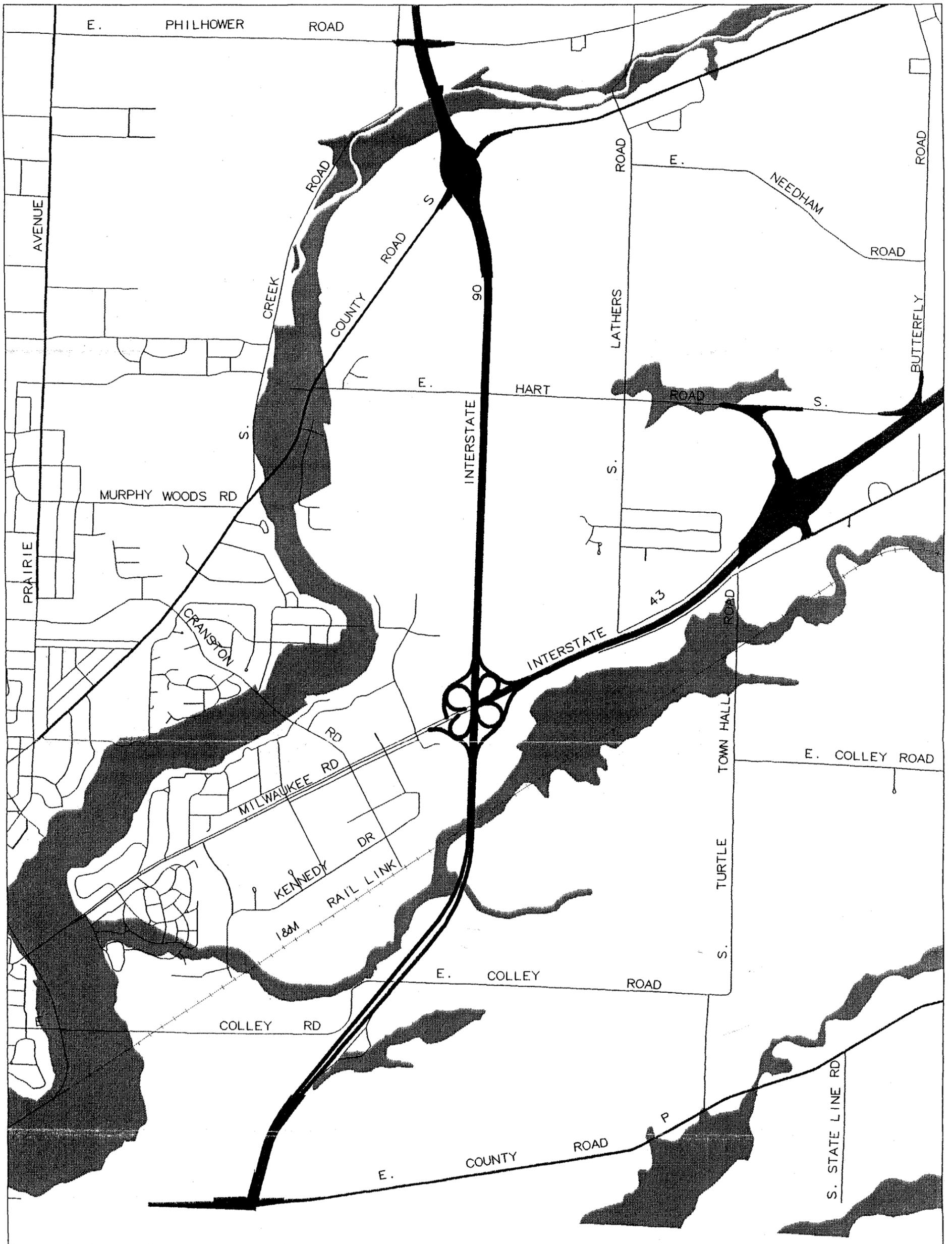


FIGURE 10

ENVIRONMENTAL CORRIDORS



ENVIRONMENTAL CORRIDORS



The City Council adopted the Gateway Master Plan on November 16, 1998 as a sub-area plan consistent with the Comprehensive Land Use Plan. The Gateway Plan covers virtually the entire BAA and was developed cooperatively with Town of Turtle, Rock County, and Wisconsin Department of Transportation officials. It shows land uses and a proposed transportation network connecting the Gateway area to other developed and developing areas in Beloit and South Beloit, Illinois. The Gateway Plan is shown on Figure 11a.

B. TOWN OF TURTLE LAND USE PLAN

The Town of Turtle's Land Use Plan was adopted by the Board of Supervisors on October 28, 1998. Land use recommendations for the BAA are shown on Figure 12.

The Plan is based on a vision of the Town as a strong agricultural and "bedroom" community that preserves its natural beauty and historic heritage. It designates the BAA as an Urban Transition Area, which is currently agricultural, but intended for future urban development within the City of Beloit. The Plan calls for the Town and the City to continue to consult on development of the area, provision of cost-effective services and facilities, road layouts, design standards, lot sizes, open space protection, and revenue-sharing. The Plan includes policies that will ensure compatibility with the City's Gateway Master Plan.

SECTION 3.5 EXISTING ORDINANCES THAT AFFECT THE COOPERATIVE BOUNDARY PLAN

A. CITY OF BELOIT

The City of Beloit has adopted the following ordinances that affect the Cooperative Boundary Plan:

- * Comprehensive zoning ordinance and zoning district map
- * Subdivision regulations, including an official map ordinance and extraterritorial review of plats and certified survey maps
- * Floodplain zoning
- * Wetlands protection
- * Building, plumbing, and construction codes

TURTLE LAND USE PLAN

IN ACCORDANCE WITH THE ROCK COUNTY COMPREHENSIVE DEVELOPMENT PLAN

ADOPTED: OCTOBER 24, 1996

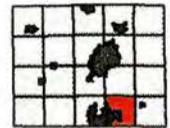
BY RESOLUTION: CHAIRMAN

James Brandenburg
Diane Sibley

ORDINANCE NO. 1000, 1996

LEGEND

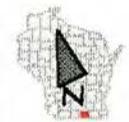
- AGRICULTURAL PRESERVATION
- GENERAL AGRICULTURAL
- SMALL-SCALE AGRICULTURAL
- RURAL TRANSITION AREA
- RURAL RESIDENTIAL
- URBAN TRANSITION AREA
- URBAN RESIDENTIAL
- LOCAL COMMERCIAL
- COMMERCIAL HIGHWAY INTERCHANGE
- LIGHT INDUSTRIAL
- SPECIAL PURPOSE
- ENVIRONMENTAL CORRIDOR
- CITY OF BELOIT
- PUBLIC SEWER SERVICE LIMIT AREA



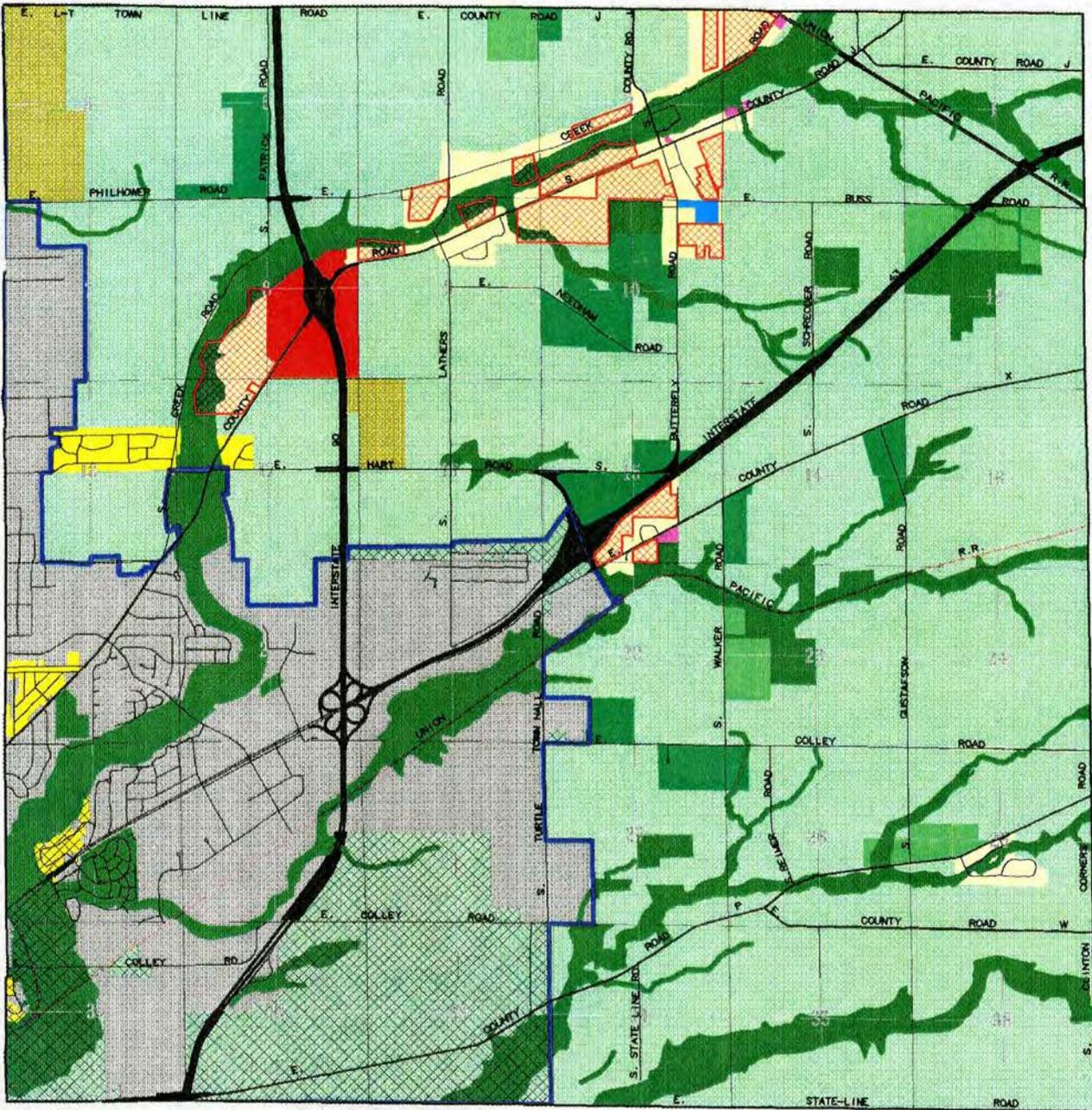
REVISIONS	DATE	BY	DESCRIPTION
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**Rock County Planning,
 Economic &
 Community Development**

Rock County Geographic Information Systems



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CITY OF BELOIT



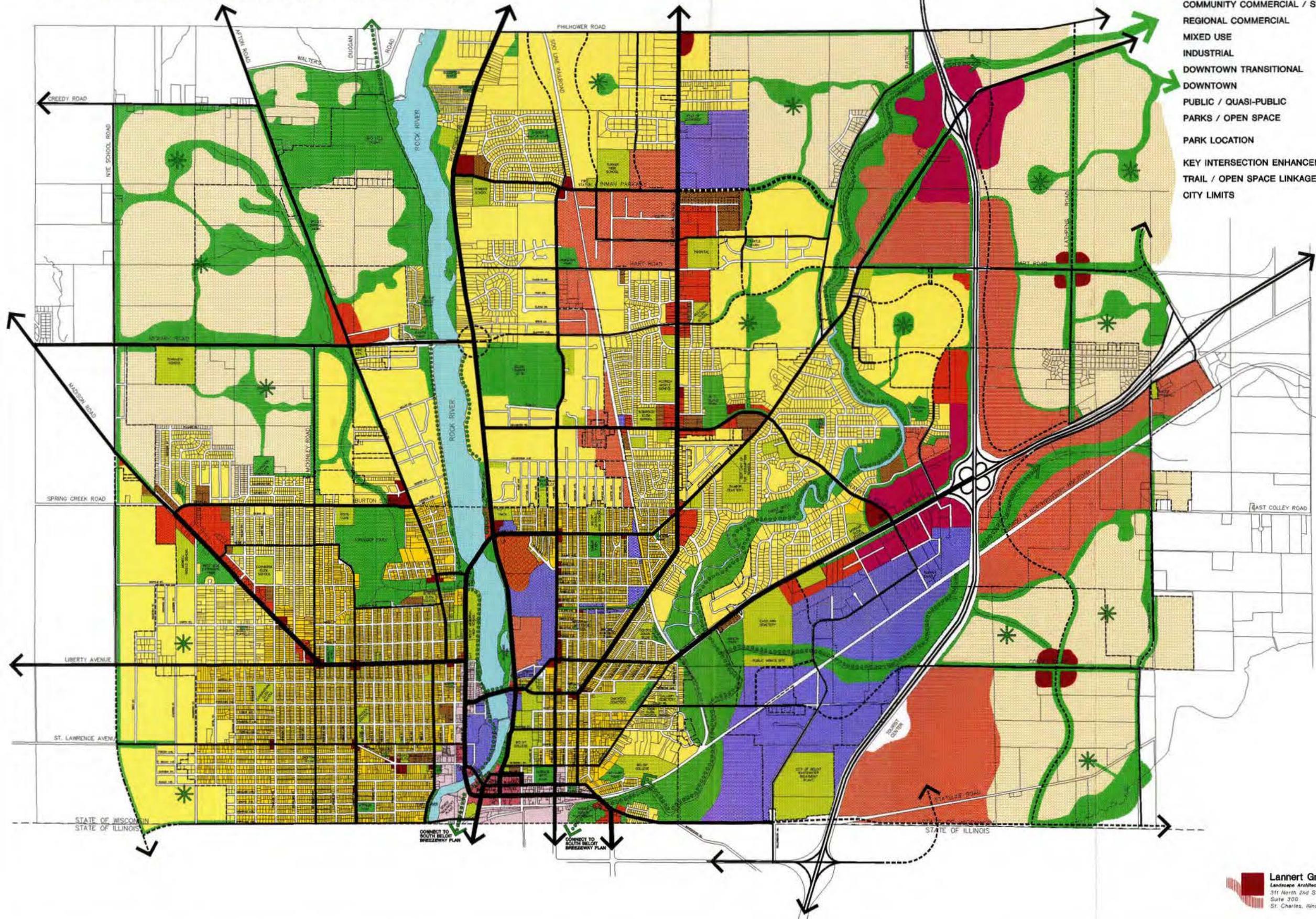
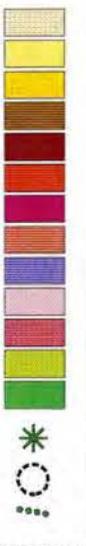
THE COMPREHENSIVE LAND USE PLAN

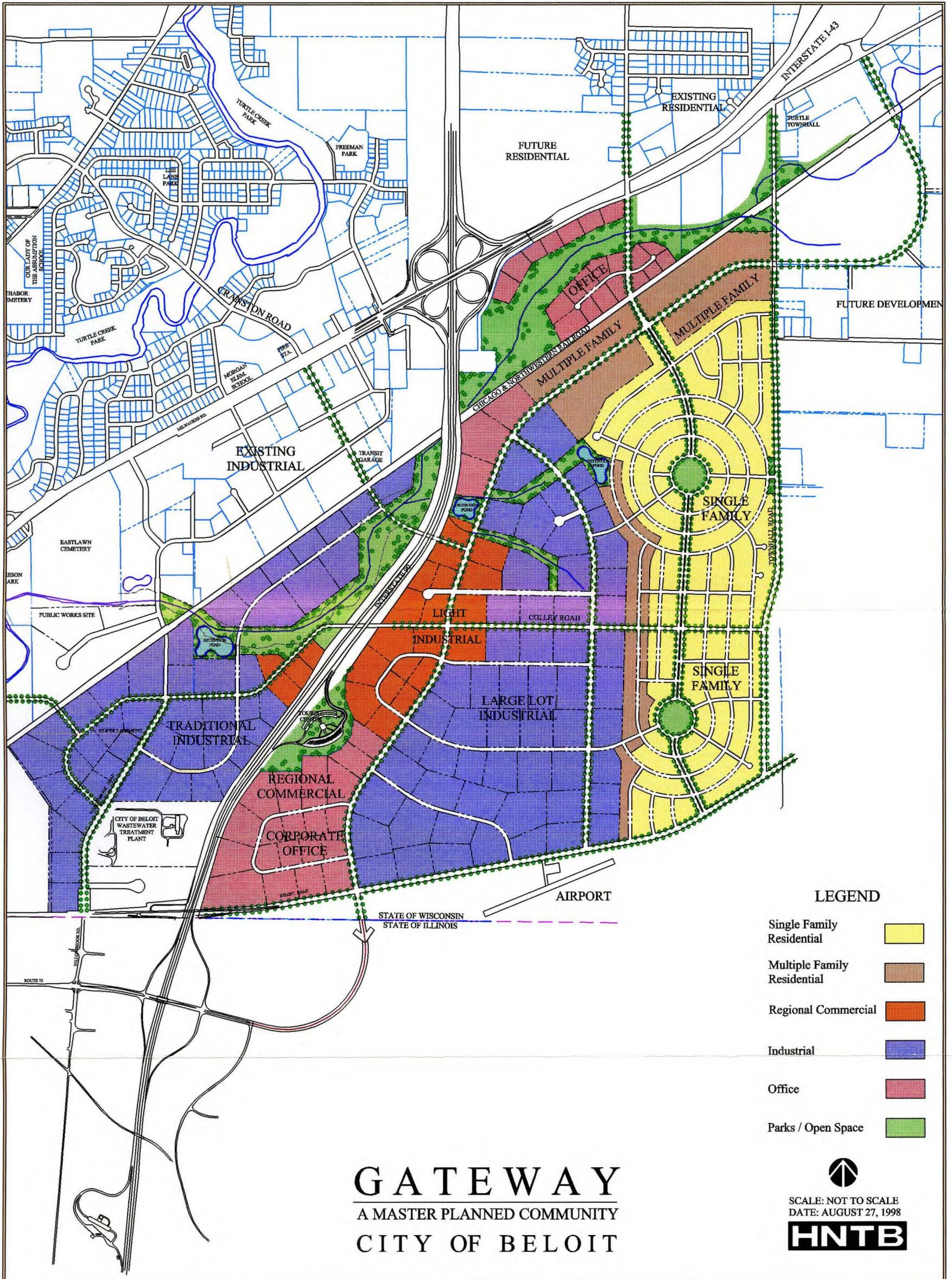
INTERSTATE
 PRINCIPAL ARTERIAL
 MINOR ARTERIAL
 COLLECTOR

EXISTING
 PROPOSED

LEGEND

- SINGLE FAMILY-LOW DENSITY
- SINGLE FAMILY
- NEIGHBORHOOD RESIDENTIAL
- COMMUNITY RESIDENTIAL
- NEIGHBORHOOD COMMERCIAL / SERVICE
- COMMUNITY COMMERCIAL / SERVICE
- REGIONAL COMMERCIAL
- MIXED USE
- INDUSTRIAL
- DOWNTOWN TRANSITIONAL
- DOWNTOWN
- PUBLIC / QUASI-PUBLIC
- PARKS / OPEN SPACE
- PARK LOCATION
- KEY INTERSECTION ENHANCEMENT
- TRAIL / OPEN SPACE LINKAGE
- CITY LIMITS





LEGEND

- Single Family Residential
- Multiple Family Residential
- Regional Commercial
- Industrial
- Office
- Parks / Open Space

GATEWAY
 A MASTER PLANNED COMMUNITY
 CITY OF БЕЛОIT


 SCALE: NOT TO SCALE
 DATE: AUGUST 27, 1998
HNTB

B. TOWN OF TURTLE

The Town of Turtle has adopted the following ordinances that affect the Cooperative Boundary Plan:

- * Comprehensive zoning ordinance and zoning district map
- * Building, plumbing, and construction codes

Rock County enforces the following regulations in unincorporated areas including the Town of Turtle:

- * Subdivision regulations (The Town is an approving agency as is the City of Beloit)
- * Farmland preservation
- * Floodplain and shoreland zoning
- * Sanitary code

SECTION 3.6 EXISTING PUBLIC FACILITIES

A. CITY OF BELOIT

The City of Beloit is a full-service municipality, providing police, fire, ambulance, sanitary and storm sewer, solid waste collection and recycling, transportation (including public transit), parks and recreation, and library. Private companies provide water, natural gas, electric, telephone, and cable television services to Beloit residents. Each of these services is presented in greater detail below.

Police

Beloit's police department consists of 81 sworn officers and 34 civilian personnel. The department is divided into patrol, detective, and support services divisions. Special emphasis is put on the officers' contact with the community they serve. Programs such as School Liaison and Community Patrol provide the opportunity for the officers to keep in touch with residents.

Fire

Beloit maintains four fire stations throughout the city. This number will decrease by one with the completion of a new station at Telfer Park, allowing the consolidation of two

east-side stations. The fire department has a total of 65 personnel. Services provided include fire fighting and prevention, emergency medical services, hazardous-material response, search and rescue, and extrication. Beloit is rated a Class Three city by the Insurance Service Organization, reflecting high standards for response time, station location, and water supply.

Ambulance

Ambulance and emergency medical services are also provided by the Fire Department. Two ambulances are staffed twenty-four hours a day by Emergency Medical Technician (EMT) paramedics, the highest EMT rating available in Wisconsin.

Sanitary and Storm Sewer

Beloit provides sanitary sewer service to the city west of Interstate 39/90 and to the Lathers Woods Subdivision. Opened in 1991, Beloit's wastewater treatment plant has a rated hydraulic capacity of 11 million gallons per day with a peak capacity of 21 million gallons per day. Current operations are approximately 50 percent of the rated capacity.

In 1998, Rock County completed the Beloit-Clinton Area Water Quality Management Plan, which delineated Beloit's sanitary sewer service area until 2020. This area is shown on Figure 13.

Storm water drainage is provided by a system of sewer sewers, inlets and drainage swales throughout the city. Recently Beloit has extended the storm sewer system and created a west side detention pond to address problems encountered during the severe rainstorms of 1993. All large residential, commercial, and industrial developments are required under city ordinance to provide on-site stormwater detention.

Solid Waste Collection and Recycling

Beloit provides solid waste collection and recycling service to residences up to four units. Larger residences and all commercial and industrial users must obtain service from a private contractor.

Transportation

The roadway network serving Beloit is extensive, consisting of interstate highway connections to Madison, Milwaukee, Chicago, Green Bay, and Minneapolis-St. Paul as well as U.S. or state highways to Janesville, Rockford, Monroe, and Dubuque. County highways provide alternate routes to many of these communities and to smaller places as well. A system of local and collector streets rounds out the network. Figure 14 shows the highway system serving Beloit.

The Beloit Transit System provides fixed-route and limited demand-responsive transit service from 5:00 a.m. to 6:00 p.m. Monday through Friday and from 9:00 a.m. to 5:00

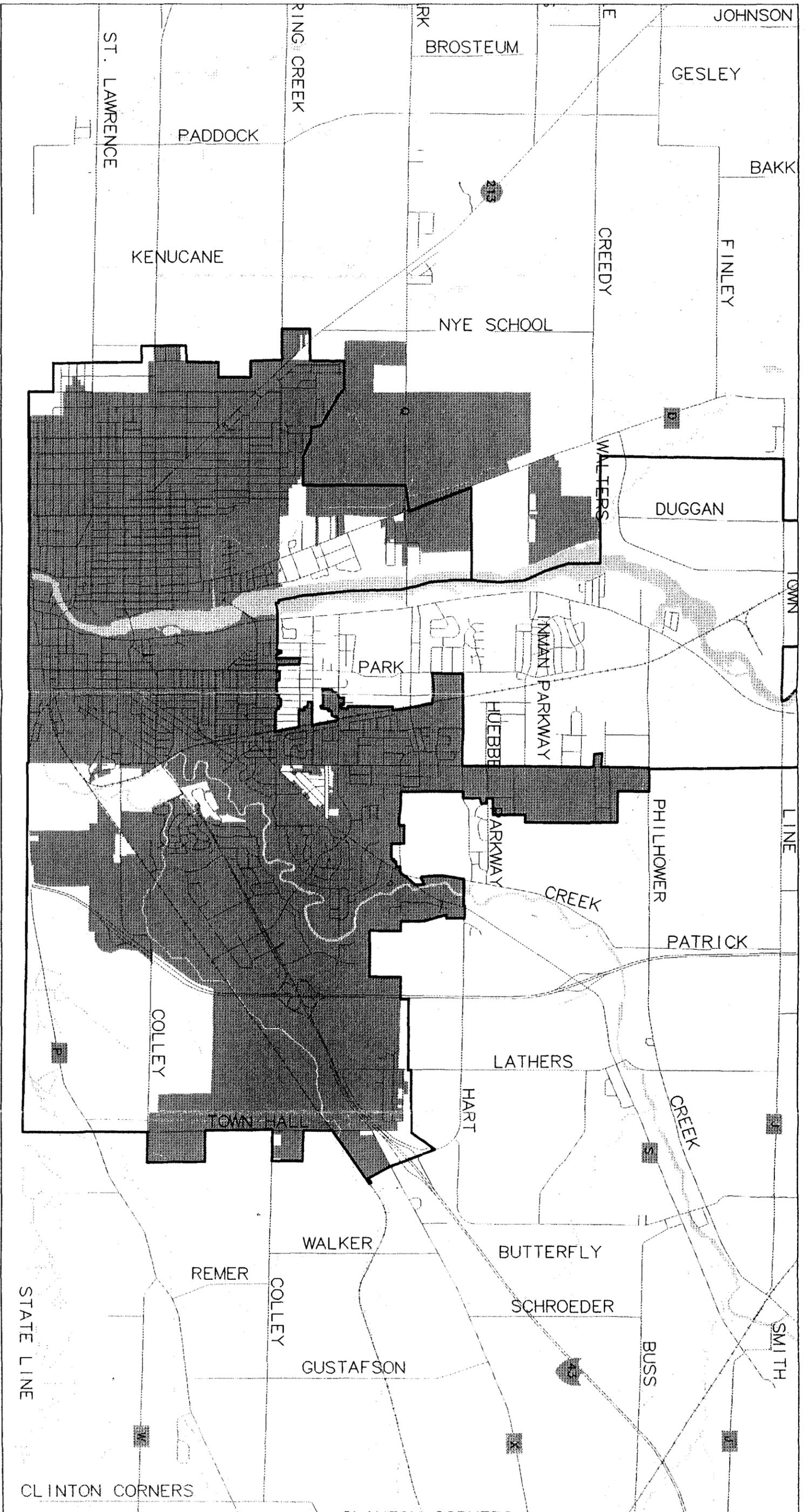


FIGURE 13

BELOIT SANITARY SEWER SERVICE AREA

BELOIT CITY LIMITS
 SEWER SERVICE AREA



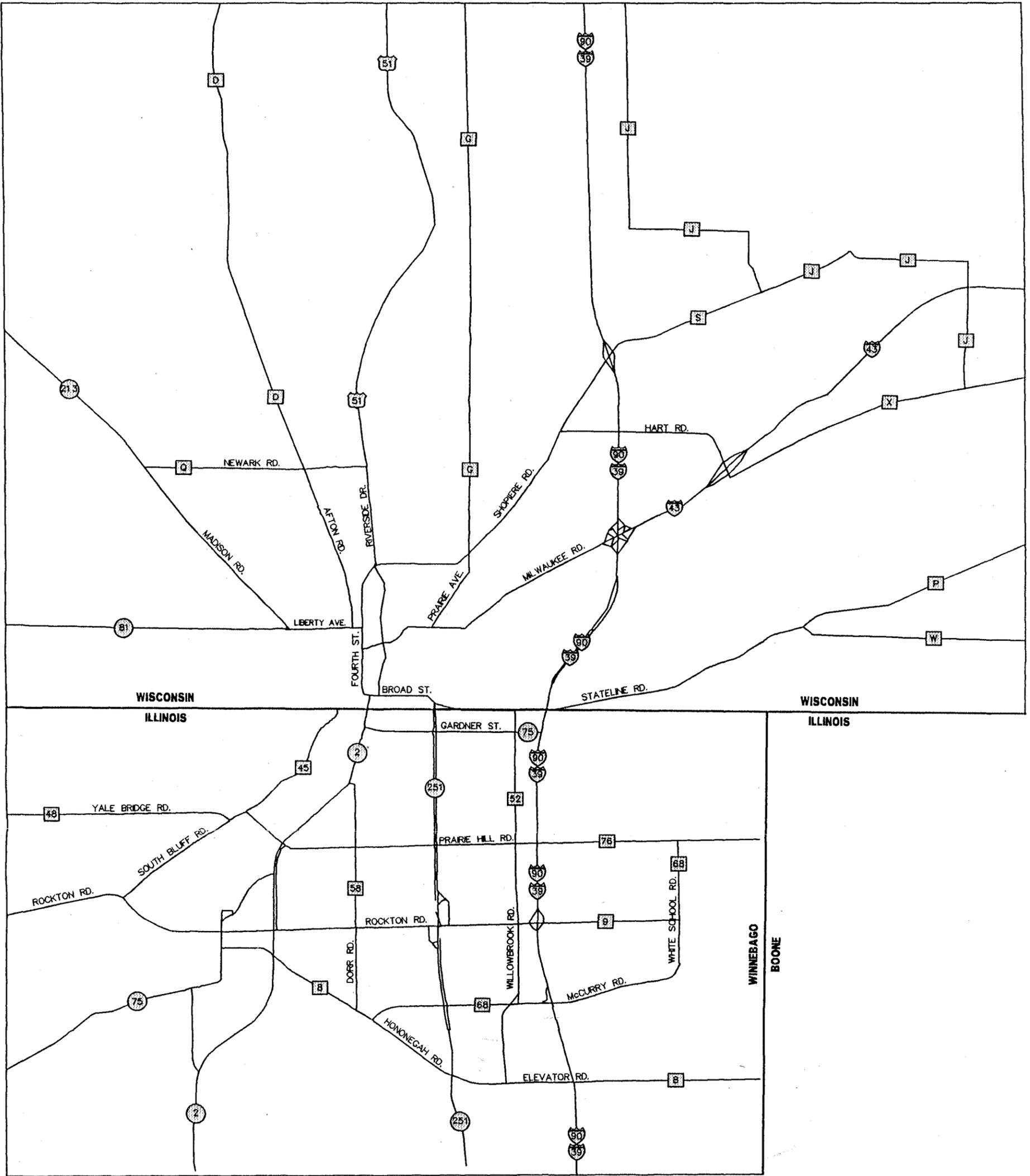


FIGURE 14

BELOIT AREA HIGHWAY SYSTEM

LEGEND	
	INTERSTATE
	U.S. HIGHWAY
	STATE HIGHWAY
	COUNTY HIGHWAY

p.m. Saturday. Approximately 90 percent of the city's population is within one quarter mile of at least one bus route. Beloit Transit System also provides round-trip service to downtown Janesville five times daily.

Parks and Recreation

Beloit owns and manages 35 park sites totaling 648 acres and ranging in size from the 0.2-acre Brown/Hanchett Park to the 190-acre Big Hill Park. In addition, the Beloit School District provides recreation facilities at its 15 school sites throughout the city. Taken as a whole, a full range of active and passive recreational opportunities is available from Beloit's system. Private recreational facilities available to Beloit residents include the Beloit YMCA, Beloit Country Club, and the Beloit Boys and Girls Club.

Library

Beloit's public library is located in the former post office building on Pleasant Street in downtown Beloit. In 1998, total circulation was 364,614 items including 99,572 juvenile books and 110,710 videos, audio cassettes, and compact discs. By arrangement with Rock County and the Arrowhead Library System, the Beloit Library provides services to residents of the Town of Beloit and the Town of Turtle.

Water

Alliant Utilities/Wisconsin Power and Light Company owns and operates the local water distribution system. Virtually every residence, business, and factory in Beloit receives its water from this private company. Average daily use is 6,000,000 gallons with summertime peaks reaching 12,000,000 gallons per day. Well pumping capacity is rated at 14,500,000 gallons per day.

Natural Gas and Electric

Alliant Utilities/Wisconsin Power and Light Company owns and operates the natural gas and electric services in the greater Beloit area. Facilities in the area include a gas distribution station on Colley Road, an electrical generating station just north of downtown Beloit, and a larger electrical generating station on the Rock River at Townline Road.

Telephone

Local telephone service is provided by Ameritech, one of the so-called Baby Bells created by the breakup of American Telephone and Telegraph (AT&T) in the mid-1980s. Long-distance service is provided by no less than seven local or national companies.

Cable Television

Marcus Cable provides cable television service throughout the greater Beloit area.

B. TOWN OF TURTLE

The Town of Turtle provides its residents services either on its own or through contractual or cooperative arrangements with other governments, agencies, or organizations. Services provided to Town of Turtle residents, businesses, and manufacturers are detailed below.

Police

Police patrol, crime prevention, and detective services are provided by the Rock County Sheriff's Department under an intergovernmental agreement with the Town of Turtle.

Fire

Fire protection services are provided by the Town's volunteer fire department. With 32 members, the fire department has 2 pumper trucks, 2 tanker trucks, one grass fire truck and one rescue truck. In common with other departments in the area, the Town of Turtle has entered into a mutual-aid agreement with all Rock County communities and South Beloit, Illinois.

Ambulance

Ambulance services are provided by the Beloit Fire Department under an intergovernmental agreement.

Solid Waste Collection and Recycling

The Town provides solid waste and recycling to residents through a contract with Superior Disposal Service.

Transportation

The Town of Turtle is bisected by both Interstates 39/90 and 43, providing connections to Chicago, Milwaukee, Madison, Minneapolis-St. Paul, and Green Bay. County Highways and numerous Town roads provide access to smaller population centers including Beloit, Janesville, Clinton, and Sharon as well as traffic circulation around the Town itself. The transportation network is shown in Figure 14.

Parks and Recreation

Sweet-Allyn Park was the first park acquired by the Rock County Park and Conservation Commission in 1942. It is ten acres in size and abuts Turtle Creek in unincorporated Shopiere. The park has a shelter, picnic tables, playground equipment, a softball/baseball diamond, and water access. Also located in the Town of Turtle is Schollmeyer Park, a 0.5-acre, undeveloped county park just off Shopiere Road (County Highway S) in the Indian Lake subdivision. Schollmeyer Park allows access to Turtle Creek. Private recreational facilities in the Town of Turtle include Turtle Greens golf course on Schroeder Road and Turtle Creek Campsite on Shopiere Road at Interstate 39/90.

Library

Town of Turtle residents are able to use the services of the Beloit and Clinton libraries through the Arrowhead Library System, which was organized to provide library services to all Rock County residents.

Water

Approximately 13 percent of Town of Turtle residents receive water from the Alliant/Wisconsin Power and Light system. The balance have private wells.

Natural Gas and Electric

Natural gas and electric services are provided by Alliant/Wisconsin Power and Light Company. Fifty-seven percent of the Town's households have natural gas service. All have electric service.

Telephone

Local telephone service is provided by Ameritech. Long-distance telephone service is provided by numerous companies.

Cable Television

Marcus Cable provides cable television service in the Town of Turtle.

SECTION 3.7 SOCIAL AND ECONOMIC ATTRIBUTES OF THE AREA

A. SHOPPING AND SOCIAL CUSTOMS

1. City of Beloit

The City of Beloit lies in the midst of a nearly continuous urbanized concentration running from Rockford, Illinois, 18 miles to the south, to Janesville, Wisconsin, 13 miles to the north. There is a considerable amount of shopping and social interaction among the people living within this urban concentration. Major shopping areas include Cherryvale Mall (Cherry Valley, Illinois); East State Street, Rockford; downtown Rockford; Machesney Park Mall, Janesville Mall; and the Humes Road (U.S. Highway 14) corridor, Janesville. Transportation corridors including interstate, U.S. highways, and state highways connect the communities of the region. Census statistics indicate that workers commute throughout the area for employment. Newspapers, radio, and television carry news of events throughout the area. There are approximately 65 churches, temples, and houses of worship in the greater Beloit area.

2. Town of Turtle

The Town of Turtle is part of the Janesville-Rockford urbanized area described above. Town residents take advantage of the shopping, cultural, and social amenities available throughout the region. The Town's recently adopted land use plan seeks to preserve the Town's rural lifestyle with its mix of farms, low-density residential developments, and the unincorporated village of Shopiere. Town residents travel throughout the region and beyond for employment.

B. RECREATIONAL NEEDS

1. City of Beloit

The City of Beloit adopted a parks and open space plan in 1996. This plan inventoried Beloit's park system and identified actions to meet unmet needs. Beloit's 1998 land use and transportation plan identified several potential park locations including two within the BAA. Also identified in Beloit's plan were environmental/trail corridors along Spring Brook and its tributaries, and Dry Creek.

2. Town of Turtle

The Town of Turtle's recently adopted land use plan reaffirmed the need for a park in the Town. Sweet-Allyn County Park in Shopiere fills this need with playground equipment, picnic tables, a shelter, baseball/softball diamond, and access to Turtle Creek. The Town's land use plan also identified environmental/trail corridors along creeks and drainageways throughout the Town.

SECTION 4.0

BAA PLAN

SECTION 4.1 DURATION OF PLAN

The time period that this Cooperative Boundary Plan shall be in effect for any boundary changes shall commence upon the date of notification by the Department of Administration that the Plan has been approved and shall end on December 31, 2020. However, the period this Plan shall be in effect for payments from the City of Beloit to the Town of Turtle set forth in Section 4.2D shall commence on the date that the first property in the BAA is attached to the City of Beloit pursuant to the terms of this Plan and shall continue for a period of 20 years thereafter.

SECTION 4.2 BOUNDARY CHANGES

A. BOUNDARIES TO BE MAINTAINED

Between the time that the Plan is approved by the Department of Administration and December 31, 2020, other than boundary adjustments in the BAA, no lands lying outside the BAA shall be attached to the City of Beloit from the Town of Turtle except by mutual consent of both municipalities. No lands outside the BAA shall be detached during the same time period by the City of Beloit and returned to the Town of Turtle except by mutual consent of both municipalities.

B. BOUNDARY ADJUSTMENT AREA

The Boundary Adjustment Area (BAA) includes all land now in the Town of Turtle that is within the City of Beloit Sewer Service Limit Area (also called the “blue line”) as shown on the Town of Turtle Zoning Map adopted by the Turtle Town Board on October 28, 1998, and also shown on the Town of Turtle Parcel Map. These maps are on file with the City Clerk and the Town Clerk. The Town islands known as Turtle Ridge, Sherwood Drive, and Lindale Place are not part of the BAA. The BAA is shown in Figure 1.

During the time period stated in Section 4.2A, any land which is adjacent to land within the City and is within the BAA may be attached to the City of Beloit from the Town of Turtle provided the property owner follows the procedure in Section 4.2C. The Town of Turtle’s policy is not to permit urban development within the BAA as long as the property remains within the Town of Turtle. It is expected that property owners will petition for attachment only when they wish to develop urban uses on their land requiring wastewater treatment service provided by the City of Beloit.

C. PROCEDURE FOR REQUEST FOR ATTACHMENT BY PROPERTY OWNER

Any property owner of land in the BAA may petition the City Council of the City of Beloit to attach to the City during the time period stated in Section 4.2A pursuant to the following procedure:

1. The petition must be made in writing and must state the property's name, address, and property identification number. In addition, the property must submit a map showing the location of the property to be attached and surrounding properties. The petition shall be delivered to the City Clerk. A copy of the petition form is attached as Exhibit H.

2. The City Clerk shall forward a copy of the attachment petition and map to the Town Clerk.

3. If the property is within the BAA, is compact and contiguous to Beloit's city limits, and otherwise meets all applicable requirements and conditions required under the Plan, the Town hereby waives any objection to attachment of the property to the City.

4. The City Council shall consider the petition at a meeting of the City Council and refer the petition to the City Plan Commission for its consideration.

5. The City Plan Commission shall make a recommendation to the City Council to accept or deny the attachment petition based on the City's ability to provide municipal facilities and services, fiscal impact, school district boundaries, and conformity with the Comprehensive Land Use Plan and this Plan.

6. If the City Council approves the petition for attachment it shall adopt an ordinance attaching the property to the City.

7. Detachment of the land from the Town and attachment of the land to the City will be effective one day after the ordinance is published.

D. COMPENSATION FROM CITY TO TOWN

The City agrees to provide finance reimbursement to the Town for lost revenues resulting from the attachment of properties to the City during the term of the Plan.

From the date of the first property in the BAA to attach to the City as set forth in Section 4.2.C.7., the City will pay the Town the sum of \$10,000 per year for a period of 20 years. The first payment shall be due 30 days after the date of the first attachment, and each subsequent payment will be due on the anniversary date of the first payment until the sum of \$200,000 is paid to the Town by the City.

E. TOWN ISLANDS

During the term of this Plan, the City will not attempt to annex or attach Town islands within the BAA without the consent of all property owners in the Town island. However, if the sanitary septic system on a property in a Town island fails and the Rock County Public Health Department determines that the septic system cannot be repaired or replaced, the property owner may petition the City of Beloit to attach to the City for the purpose of obtaining City sewer service. This procedure represents long-standing City policy and practice with regard to Town islands.

The City of Beloit supports land development and utility extension policies which would mitigate against the creation of new town islands. This plan is not intended, or expected, to lead to the creation of new town islands.

SECTION 4.3 IMPACTS OF DEVELOPMENT ON LAND WITHIN THE BAA

A. TOPOGRAPHY

No new environmental effects of a significant nature on the topography of the region are envisioned as resulting from the adjustment of boundaries between the Town and the City. Certified Survey Map or Plat approval within the BAA must address water drainage. New development on individual parcels must also address surface drainage as required by the City's building code.

It is anticipated that all lands outside the environmental corridors within the BAA are suitable for development with respect to topography. The impact on the area within the BAA will be the same as other development within the BAA and surrounding areas. There should be no negative impact on the surrounding areas if it is assumed that present practices involving surface drainage are followed. Such practices are required by present City ordinances.

B. GEOLOGY/BEDROCK/SOILS/GROUNDWATER

No new environmental effects of a significant nature on the geology, bedrock or soils of the region are envisioned as resulting from the adjustment of boundaries between the City and the Town. The extension of sanitary sewer and municipal water will benefit the businesses and residents in the BAA. The conversion of private septic systems to sanitary sewer is expected to have a significant positive impact on groundwater quality in the area.

C. AIR QUALITY

No new environmental effects of a significant nature on the air quality of the region are envisioned as resulting from the adjustment of boundaries between the City and the Town.

D. WETLANDS AND WATER BODIES

No new environmental effects of a significant nature on the wetlands and waterbodies are envisioned as resulting from the adjustment of boundaries between the City and the Town. The Rock County Zoning Ordinance (which contains the Shoreland/Floodplain/Lowland/Wetlands Overlay Zoning District) will protect wetlands and water bodies within the BAA. Impacts on wetlands and water bodies in surrounding areas will be positive since all new development will conform to the adopted land use plans of the City and the Town in approving development.

E. WILDLIFE

No new environmental effects of a significant nature on the wildlife in the region are envisioned as resulting from the adjustment of boundaries between the City and the Town. The City and Town will cooperate in the enforcement of federal and state threatened and endangered species laws and regulations.

F. PRIME AGRICULTURAL LAND

The Soil Conservation Service has classified an estimated 85 percent of the BAA's land as Capability Classes I or II with few or moderate limitations on agriculture. As the boundaries are adjusted, this land will be taken out of agricultural production and developed for urban uses. The City of Beloit has adopted plans affecting the BAA including the Comprehensive Plan (March 1998) and the Gateway Plan (November 1998). City land development regulations and policies as well as state and federal environmental regulations will mitigate adverse environmental impacts resulting from development.

G. PARKS AND OPEN SPACE

No new environmental effects of a significant nature on the parks and the open space in the region are envisioned as resulting from the adjustment of boundaries between the City and the Town.

H. LAND USE PLAN AND ZONING ORDINANCES

The City has recently adopted a Comprehensive Land Use Plan which includes a Gateway Plan that would guide the development of the proposed use of the land both within the BAA as well as in surrounding areas. Zoning ordinances in the City's Code of General Ordinances take into consideration the issues related to quality of life. The land uses proposed in the City's Comprehensive Land Use Plan provide for the necessary residential, commercial, industrial, institutional and governmental development, as well as open space and natural areas. With these guidelines and restrictions, the impacts on the BAA and surrounding areas should be positive in part due to the elimination of uncertainty about under whose jurisdiction the lands will be developed and governed.

I. ALTERNATIVES TO PLAN

Because no significant environmental consequences are expected to result from the adjustment of boundaries between the Town and the City, no alternatives were considered in relation to environmental consequences. The Town's Land Use Plan and the City's

Comprehensive Plan and Gateway Plan are the products of extensive planning and evaluation. This Plan incorporates the extensive planning and evaluation. It is felt by both the City and the Town that this Plan provides the best course of development for the area.

SECTION 4.4 SERVICE PROVISIONS

A. GENERAL MUNICIPAL SERVICES

The Town will maintain all public improvements and provide municipal services it now provides to Town residents including fire, street maintenance, and solid waste/recycling collection to properties located within the Town in the BAA during the term of this Plan.

At such time as a property attaches to the City, the City will maintain all public improvements and provide municipal services including fire, police, street maintenance, and solid waste/recycling collection to the property and the Town shall no longer be obligated to provide such services.

B. SANITARY SEWERAGE

Before a property owner in the BAA can connect to the City sanitary sewer service, the property owner must first attach to the City. The property owner must comply with the City Ordinances and regulations then in effect for such connection.

Property owners within the BAA shall not be required to connect to the City sanitary sewer service while their property remains within the Town during the term of the Plan.

C. CURB, GUTTER, SIDEWALK AND STREETLIGHT INSTALLATION

The City shall not require any property owner to install or pay for the installation of curbs, gutters, sidewalks, or streetlights as long as the property has not attached to the City. At such time as the property attaches to the City, the City may compel the property owner to install and pay for such improvements.

D. STORMWATER DRAINAGE

The City shall not require any property owner to install and pay for the installation of stormwater drainage facilities as long as the property has not attached to the City. At such time as the property attaches to the City, the City may compel the property owner to install and pay for such improvements.

E. TRANSPORTATION

All the area within the BAA will be subject to the jurisdiction of the City of Beloit, Town of Turtle, Rock County, or the Wisconsin Department of Transportation. At the present time, Interstate 94, Interstate 43, and State of Wisconsin Visitors Center are within or adjacent to the BAA. The responsibility for maintenance and upgrade of these facilities will continue to be that of the Wisconsin Department of Transportation.

The Rock County highways within the BAA will continue to be maintained by Rock County. Highways located in the BAA will be maintained by the Town as long as the property adjacent to the highway is not attached to the City. At such time as the property adjacent to the highway attaches to the City, the City shall provide maintenance for the highway.

At this time, the transportation system depicted in the Plan is consistent with the plans of the Wisconsin Department of Transportation and the Stateline Area Transportation Study. New highways and streets within the BAA will be subject to local jurisdiction. No new interchanges or entrance/exit ramps are proposed.

SECTION 4.5 BAA LAND USE PLAN

During the term of this Agreement, the Land Use Plan in effect for the BAA is the Land Use Plan adopted by the City of Beloit on March 2, 1998, as amended by adoption of the Gateway Master Plan adopted by the City Council on November 16, 1998. Any amendments to the Land Use Plan governing the BAA shall be agreed upon by the City and the Town.

SECTION 4.6 ENVIRONMENTAL EVALUATION

The land within the BAA is expected to be developed by 2020 as shown on the land use plan. Furthermore it is expected to be annexed to the City of Beloit and supplied with the full range of public utilities including sanitary sewer, water, electricity, and natural gas. Beloit will also provide municipal services such as police and fire protection, solid waste collection and recycling, street maintenance, code enforcement, and development regulation.

An estimated 11,000 people will live in the BAA when it is fully developed. This figure includes approximately 2,825 school age children. Two or three new elementary schools housing atal of 1,300 students and a middle school for 650 students will be needed. Space for 875 new high school students will also be required. The middle and high school space needs could be met through a combination of new buildings and additions to existing buildings.

In addition to the environmental corridors designated in the Gateway Plan, 50 to 100 acres of land will need to be set aside for natural drainage ways and stormwater ponds. Another 66 acres in neighborhood and community parks will be needed to meet the recreation, parks, and open space standards of Beloit's parks plan.

A new fire station within the BAA and six to nine additional firefighters will be needed to serve the area adequately. Three additional police officers will be needed as will two additional street maintenance workers and two additional solid waste handlers.

It is expected that the necessary capital improvements will be funded through a combination of general obligation borrowing and developer contributions. Additional personnel will be funded through Beloit's operating budget.

The Town of Turtle's land use plan and zoning ordinance will act to regulate spinoff development adjacent to the BAA as it is the stated goal of both documents "[to] Maintain the Town's rural quality of life by managing growth to areas in and around existing developed areas." The Town and Rock County will continue to enforce land use regulations such as the zoning ordinance, floodplain/shoreland ordinance, subdivision regulations, farmland preservation, and the sanitary code. It is the Town's intent to keep the land outside the BAA in its current use.

SECTION 4.7 HOUSING ANALYSIS

A. POPULATION, INCOME, AND HOUSING DATA

U.S. Census data show that the population of Beloit increased between 1980 and 1990 from 35,207 to 35,573 (+1.0 percent). During the same period the Town of Turtle's population declined from 2,703 to 2,358 (-9.1 percent). Since 1990, according to the Wisconsin Department of Administration, Beloit's population has risen to 36,204, a 1.8 percent increase while Turtle's population has risen 1.3 percent to 2,490.

Like communities everywhere, Beloit's and Turtle's populations have aged. In 1980, 12.0 percent of Beloit's population was aged 65 or over while 8.8 percent of Turtle's population was 65 or over. By 1990 those proportions had changed to 13.4 percent for Beloit and 12.6 percent for Turtle. Beloit's median age in 1990 was 31.1 years while Turtle's was 37.9 years.

In 1990, just over 19 percent of Beloit's population was non-white, mostly African-American (15.6 percent) and Hispanic (1.9 percent). Turtle's population was 2.8 percent non-white with 1.4 percent African-American and 1.0 percent Hispanic.

Beloit's median household income was reported to be \$25,859 yearly in 1990. Beloit's poverty rate was 17.5 percent. Median household income in Turtle was \$38,203 according to the 1990 Census while the poverty rate was 6.4 percent.

Sixty percent of Beloit's households in 1990 were homeowners as were 86 percent of Turtle's households. The median value of an owner-occupied home in Beloit was \$37,900 while the median value in Turtle was \$63,900. Median rents in Beloit and Turtle were much closer, \$293 per month in Beloit, \$300 per month in Turtle.

Since 1990, Beloit has issued building permits for 595 new housing units including 279 single-family houses, 44 duplex units, and 272 multi-family units. During that same time, 59 housing units have been permitted in Turtle.

B. LOW AND MODERATE INCOME HOUSING ACTIVITIES

Beloit receives an annual Community Development Block Grant (CDBG) to address low and moderate housing and community development needs. Beloit has received CDBG grants since 1978 and is operating under a federally mandated five-year strategic housing and community development plan last updated in 1995. CDBG funds have been used to provide low-interest home improvements to benefit both low and moderate income homeowners and renters. In addition, CDBG funds have been granted to Neighborhood Housing Service (NHS) of Beloit, which has made home improvement loans in its target neighborhoods. NHS has also been a partner in several housing redevelopment projects aimed at providing decent, safe, and sanitary housing for low and moderate income households.

According to an inventory compiled by the Wisconsin Housing and Economic Development Authority (WHEDA), nearly 1,400 Beloit households participate in government programs designed to make housing affordable for low and moderate income renters. This figure represents approximately 26 percent of all Beloit renter households. Included are 130 units of public housing owned and operated by the Beloit Community Development Authority's Public Housing Division, 654 Section Eight vouchers or certificates that provide rent subsidies for income-eligible households, 347 units in privately owned Section Eight or Section 236 buildings, and 246 units constructed or renovated under the Section 42 federal tax credit program. In addition, the WHEDA inventory reported a 60-unit Section Eight voucher program operating county-wide.

The economics of housing development indicate that new housing affordable for low and moderate income households will be in multi-family developments. Beloit's recently adopted zoning ordinance allows multi-family housing as a permitted use in its R-3 Low Density Multi-Family Residential, R-4 Moderate Density Multi-Family Residential, and CBD

Central Business District zoning districts and as a conditional use in its C-1 Office, C-2 Neighborhood Commercial, and C-3 Community Commercial districts. The Town of Turtle allows multi-family residence in its COD Cluster Overlay District zoning district, provided the residences are part of an approved development plan.

SECTION 4.8 PERMIT AND ORDINANCE REQUIREMENTS

A. ORDINANCE REQUIREMENTS WITHIN THE BAA

1. Property Within Town Borders

While property in the BAA remains within the Town, the Town's ordinances and policies shall apply.

2. Property Within City Borders

Once property within the BAA is attached to the City, the City's ordinances and policies shall apply.

B. PERMIT REQUIREMENTS WITHIN THE BAA

1. Property Within Town Borders

The Town will be responsible for administering all permits for properties within the BAA that are in the Town.

2. Property Within City Borders

When property attaches to the City, the City shall be responsible for administering all permits for that property.

SECTION 4.9 ADDITIONAL OBLIGATIONS OF THE CITY AND TOWN

A. The parties agree, for purposes of compliance with sections 60.79 and 66.03 of the Wisconsin Statutes that the division of assets and liabilities regarding the land transferred pursuant to this agreement, results in no assignment of additional assets or liabilities to either party, in excess of those assets or liabilities associated with the territory being transferred under this agreement. Therefore, neither the Town nor the City shall be responsible to transfer any additional assets nor incur any additional liabilities other than those specifically set forth in this agreement.

B. During the term of this Plan, when all the property within the BAA is detached from the Town and attached to the City, this will represent the political boundary between the City and Town unless a different boundary is mutually agreed upon by the parties in writing.

C. The obligations of the respective parties set forth in this cooperative plan are binding on the parties and have the force and effect of a contract.

SECTION 5.0

PLAN AMENDMENT PROCEDURES

Amendments to the Plan may be necessary during the time period it is in effect. The following procedures shall apply to proposed amendments to this Plan.

A. An amendment to this Plan that proposes to alter the municipal boundaries from those designated herein, or to change the term of this Plan shall follow all of the procedures required to adopt this original Plan under section 66.023 of the Wisconsin Statutes.

B. An amendment to the Plan that does not propose to alter the municipal boundaries from those designated herein, or to change the term of this Plan shall follow the same procedure as required for the original Plan, except that a public hearing is not required unless an objection to the amendment is made in writing by any person to the clerk of a participating municipality.

Proposed amendments to this Plan shall not be effective unless adopted by resolution of each of the participating municipalities. Notice of the proposed amendment and the adoption resolution shall follow the requirements set forth in section 66.023(4)(a) of the Wisconsin Statutes. Each participating municipality shall give a Class 3 notice pursuant to chapter 985 of the Wisconsin Statutes, that the amendment will be submitted directly to the Department of Administration unless written objection to the amendment is received by the municipality within seven (7) days after publication of the last required notice. If no written objection to the amendment is received within seven (7) days after publication of the last required notice, the amendment may be submitted directly to the Department of Administration for approval. If written objection to the amendment is timely made, the public hearing and other requirements under section 66.023(4)(b) and (c) of the Wisconsin Statutes apply.

SECTION 6.0

RECORD OF PUBLIC PARTICIPATION AND COMMENT

A. PUBLIC MEETINGS

Pursuant to section 66.023 of the Wisconsin Statutes, a joint public hearing was held by the Town and the City on May 6, 1999, to discuss the draft Plan.

B. PUBLIC COMMENTS

The Town and the City have kept a record of public comments on the Plan since the date of the joint public hearing. The record is reproduced and attached hereto as Appendix C. Appendix D are the public comments received following the joint public hearing.

C. ROCK COUNTY PLANNING DEPARTMENT COMMENTS

Appendix E is a copy of the comments of the Rock County Planning, Economic & Community Development Department.

D. COMMENT CONSIDERATION

Public Comments have been received and carefully considered by both municipalities that are parties to this agreement.

E. COMPLIANCE WITH APPLICABLE LAWS

In accordance with the requirements of section 66.023(3)(e) of the Wisconsin Statutes, this cooperative boundary plan is consistent with all known State and federal laws and administrative rules.

APPENDIX A

Authorizing Resolutions

**RESOLUTION AUTHORIZING PARTICIPATION IN
PREPARATION OF COOPERATIVE PLAN**

The Board of Supervisors of the Town of Turtle adopt the following resolution:

WHEREAS, section 66.023 of the Wisconsin Statutes authorizes municipalities to set the boundary lines between themselves upon adopting and having approved by the Wisconsin Department of Administration, a cooperative plan in accordance with statutory procedures and requirements; and

WHEREAS, the cooperative plan shall be made with the general purpose of guiding and accomplishing a coordinated and harmonious development of the territory covered by the plan which will, in accordance with existing and future needs, best promote public health, safety, order, convenience, and the general welfare, as well as efficiency and economy in the process of development; and

WHEREAS, cooperative planning is in the best interest of the participating municipalities.

NOW, THEREFORE, BE IT RESOLVED that the Town of Turtle is authorized to participate in the preparation of a cooperative plan with the City of Beloit pursuant to section 66.023 of the Wisconsin Statutes.

BE IT FURTHER RESOLVED that notice of this resolution be given in writing, within 5 days of its adoption, to the parties specified in section 66.023(4)(a) of the Wisconsin Statutes.

Adopted: December 9, 1998.

Jim Brandenburg

Jim Brandenburg, Chairperson

Donna Schut

Donna Schut, Clerk

APPENDIX B

Jurisdictional Notices

FILE # 12 C. 7782

DEC 21 1998

CITY OF БЕЛОIT
CITY CLERK

**RESOLUTION AUTHORIZING PARTICIPATION IN THE
PREPARATION OF A COOPERATIVE PLAN**

WHEREAS, Section 66.023 of the Wisconsin Statutes authorizes municipalities to set boundary lines between themselves upon adopting and having approved by the Wisconsin Department of Administration, a cooperative plan in accordance with statutory procedures and requirements; and

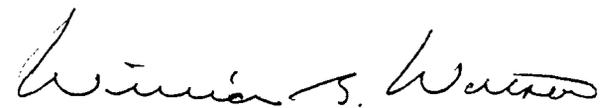
WHEREAS, the cooperative plan shall be made with the general purpose of guiding and accomplishing a coordinated and harmonious development of the territory covered by the plan which will, in accordance with existing and future needs, best promote public health, safety, order, convenience, and the general welfare, as well as efficiency and economy in the process of development; and

WHEREAS, cooperative planning is in the best interest of the participating municipalities.

NOW THEREFORE BE IT RESOLVED THAT the City of Beloit is authorized to participate in the preparation of a cooperative plan with the Town of Turtle pursuant to Section 66.023 of the Wisconsin Statutes.

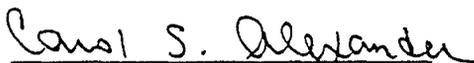
BE IT FURTHER RESOLVED THAT notice of this resolution be given in writing, within five days of its adoption, to the parties specified in Section 66.023 (4)(a) of the Wisconsin Statutes.

Adopted this Twenty-first day of December, 1998



William B. Watson
Council President

ATTEST:



Carol S. Alexander, City Clerk

E. J. CASKEY (1917-1971)
DAVID Y. COLLINS
WILLIAM T. HENDERSON

COLLINS & HENDERSON
LAW OFFICES
416 EAST GRAND AVENUE
POST OFFICE BOX 777
BELOIT, WISCONSIN 53512-0777

TELEPHONE
608-365-6614
FAX
608-365-3066

December 11, 1998

Dear Section 66.023(4) Notice Recipient:

Enclosed is a copy of a Resolution adopted by the Town of Turtle authorizing participation in the preparation of a cooperative plan with the City of Beloit under section 66.023 of the Wisconsin Statutes. I am sending you notice of this Resolution pursuant to section 66.023(4)(a)1. of the Wisconsin Statutes.

Very truly yours,

COLLINS & HENDERSON

William T. Henderson

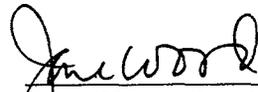
William T. Henderson
Town Attorney

WTH:kl
Enclosure

**NOTICE OF INTENT
TO PURSUE DEVELOPMENT OF A COOPERATIVE PLAN
CITY OF БЕЛОIT**

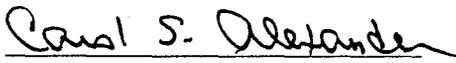
To Whom It May Concern:

It is the intent of the City of Beloit, Rock County, Wisconsin to pursue development of a Cooperative Plan with the Town of Turtle, as authorized under Section 66.023, Wisconsin Statutes.



Jane Wood, City Manager
City of Beloit

ATTEST:



Carol S. Alexander, Clerk
City of Beloit

STATE OF WISCONSIN)

SS.

COUNTY OF ROCK)

I hereby certify that the attached is a listing of agencies and organizations that were mailed a copy of **NOTICE OF INTENT TO PURSUE DEVELOPMENT OF A COOPERATIVE PLAN, CITY OF БЕЛОIT**, by First Class Mail, postage prepaid, on January 7, 1999.

Carol S. Alexander
Carol S. Alexander, Clerk
City of Beloit

January 7, 1999
Date

**MAILING LIST FOR TOWN OF TURTLE/
CITY OF БЕЛОIT COOPERATIVE PLAN NOTICE**

Kay S. O' Connell
Rock County Clerk
51 S. Main Street
Janesville, WI 53545

Phil Blazkowski, Director
Rock County Planning, Economic and
Community Development Department
51 S. Main Street
Janesville, WI 53545

Tim Savage, Administrator/Clerk
Town of Beloit
2871 S. Afton Road
Beloit, WI 53511

Sandra Clarke, Clerk
Town of Bradford
11100 E. County Trunk MM
Avalon, WI 53505-9704

Beverly Torkilson, Clerk
Town of Clinton
8719 E. County Road W
Clinton, WI 53525

Michael Scott, Clerk/Assessor
Town of LaPrairie
915 S. Sharon Road
Janesville, WI 53546

Eleanor Perkins, Clerk
Town of Newark
7838 W. Newark Road
Beloit, WI 53511

Deborah Bennett, Clerk
Town of Rock
5814 S. Duggan Road
Beloit, WI 53511

Lucy Dack, Clerk
Village of Clinton
P.O. Box 129
Clinton, WI 53525

Jean Ann Wulf, Clerk
City of Janesville
18 N. Jackson Street
Janesville, WI 53545

Clerk
Janesville Public Schools
527 S. Franklin Street
Janesville, WI 53545

Clerk
Beloit Public Schools
1633 Keeler Avenue
Beloit, WI 53511

Clerk
Beloit Turner Schools
1231 E. Inman Parkway
Beloit, WI 53511

Clerk
Clinton Community School District
115 Milwaukee Road
Clinton, WI 53525

Clerk
Blackhawk Technical College
P.O. Box 5009
Janesville, WI 53547

Mr. Charles R. Ledin, Chief
Great Lakes and Watershed Planning
Section
Wisconsin Department of Natural Resources
P.O. Box 7921
Madison, WI 53707-7921

Cooperative Plan Mailing List
Page Two

Department of Natural Resources
Southern District Office
3911 Fish Hatchery Road
Fitchburg, WI 53711

Doug Dalton, Chief
Bureau of Planning
Department of Transportation
P.O. Box 7913
Madison, WI 53707-7913

Mr. Mike Rewey, Planning Director
District One
Wisconsin Department of Transportation
2101 Wright Street
Madison, WI 53704

Mr. Keith Foye, Chief
Soil and Water Management Section
Wisconsin Department of Agriculture,
Trade, and Consumer Protection
P.O. Box 8911
Madison, WI 53708-8911

Mr. George Hall, Director
Municipal Boundary Review
Department of Administration
P.O. Box 952
Madison, WI 53703-0952

Clerk
Parkview School District
106 W. Church Street
Orfordville, WI 53576

Donna Schut, Clerk/Treasurer
Town of Turtle
5131 E. Creek Road
Beloit, WI 53511

D:\MYDOCS\MAILING LIST FOR COOPERATIVE PLAN

APPENDIX C

Minutes of May 6, 1999 Public Hearing

Town of Turtle /City of Beloit
Joint Public Hearing
May 6, 1999

Present: Town Chair Jim Brandenburg, Supervisors Peter Casagrande and Margaret Palubinski, Boundaryline committee members, Peggy Ross, Howard Moore, Tom Nee, Atty. William Henderson, State Assemblyman Dan Shoof, City of Beloit Council President Hugo Henry, and Councilman William Steinkellner, and Joe Heck.

The meeting was called to order by Jim Brandenburg, in the absence of Perry Folts, at 7:06 P.M.

The Pledge of Allegiance was recited.

Acting Chairman Brandenburg explained the purpose of the joint hearing and introduced the members of the Town of Turtle Committee and the City of Beloit Representatives.

William Henderson explained in detail how the Boundaryline Agreement will work and displayed maps outlining the "Blue Line" area and town boundaries. He discussed what options the Town of Turtle had, faced with inevitable development by the City of Beloit. He explained further that the Boundaryline agreement is the most positive approach for the Town and how it is equitable for both parties. He remarked that the survey taken by the Town of Turtle approximately three years ago, indicated that Town residents did not want major change in the township. The agreement would run until 12/31/2020.

Brandenburg added that the property owners outside the "Blue Line" would have to come before both the Turtle Town Board and Beloit City Council to annex. He added that the annual \$10,000.00 payment to the township by the city was determined by considering property tax revenue lost by the township as a result of annexation.

Hugo Henry remarked that he would like a harmonious relationship with the Town of Turtle, and that this is a win/win situation for both parties. Bill Steinkellner added that he is not in favor of forced annexation.

Chair Brandenburg stated that the next step in the process will be approval of the agreement by both parties at separate meetings held by the City and Township on May 26, 1999, and then the agreement will be sent to Madison for approval. However, he noted that as far as the City and Town were concerned, if the agreement is approved by both parties at the May 26th meetings, the agreement will be in force.

Tom Nee noted that so far there is no firm commitment on the part of Illinois Department of Transportation regarding the interchange at I 90.

William Henderson stated that he had received a fax from Phil Blaskowsky of the County Planning Commission. Mr. Blaskowsky stated that his agency approves of the agreement and recommends its passage. Mr. Henderson also noted that some insignificant changes were recommended by George Hall of the Department of Administration.

Perry Folts, now acting chair, explained why the Boundaryline Committee was formed approximately one year ago, and that it was done in the best interests of the residents of the Town of Turtle, based on the survey results. Development is inevitable but this should help to eliminate "sprawl".

William Henderson stated that according to law, anyone wishing to comment in writing has twenty (20) days from today's date to send their comments to the Public Service Center for consideration by the Town Board in its decision.

Citizen Comments:

Jack Dorr - 12316 S. Stateline Road, asked if the Carroll property west of I 90 was included in the agreement. If annexed, would the compensating dollars from the City start? The response was yes.

Andrea Gonstead - 11638 S. Turtle Townhall Road, asked if IDOT was not sure what they were going to do, does WDOT have plans? The response was that City Manager Jane Wood has been in contact with IDOT regarding funding for roads and that they will commit to 1/2 of the funding. **Gonstead** also asked about the closing of the County P bridge, and was told that work on the bridge will be started this year, and it will be widened to accommodate the proposed exit ramp on I 90.

Harry Wellnitz - 1938 Crane wants to know what will happen to the Town islands? Perry Folts responded that they were intentionally excluded from the Boundaryline Agreement and would not be annexed unless 100% of the property owners wished it, or if individual, contiguous property owners in need of septic service petitioned.

Ed Flannery - 1967 Shopiere Road asked if there were any major developments coming in to the area. Perry Folts said he didn't know.

Joe Heck briefly discussed that some property owners in the area of Shopiere Road and Prairie Avenue had been approached by Walgreens to purchase their property for a new store. One or two parcels are located in the Township. Walgreens has options on the parcels and have petitioned for annexation, but he did not know where the petition stood at this time. (The options also include the dentist's office and Rock Title building).

Dick Walsh - County P said that he had been contacted by London Construction Co. regarding the start of Co. P bridge work on 5-17-99.

APPENDIX D

Comments Received Following the May 6, 1999 Public Hearing

APPENDIX E

**Comments of the Rock County Planning, Economic and Community
Development Department**

No comments were received after the May 6, 1999 public hearing.

Jack Dorr - 12316 S. Stateline Road asked why the City did not include the property south of County P in its plan. The response by Joe Heck was that the City felt that property should be preserved as it includes the Beloit Airport and the City considers that to be an asset.

William Henderson reminded everyone that they have 20 days to submit any further comments to the respective boards for consideration in the recommendation of the agreement. Perry Folts encouraged everyone, as comments become part of the record.

Meeting adjourned at 7:41 , by Chairman Perry Folts.

Respectfully submitted,

Margaret Palubinski
Acting Clerk

ROCK COUNTY, WISCONSIN



Planning, Economic & Community
Development Department
51 South Main Street
Janesville, Wisconsin 53545
608/757-5587

May 5, 1999

William T. Henderson
Collins & Henderson Law Offices
416 East Grand Avenue
PO Box 777
Beloit, WI 53512-0777

Dear Bill,

Your have requested the Rock County Planning and Development Agency to comment on the Proposed Cooperative Boundary Plan Between the City of Beloit and the Town of Turtle as provided by Section 66.023(4)(c) of the Wisconsin Statutes. Our Agency is the County Zoning Agency and has the authority referred to in Section 59.69 [formally 59.97(2)].

The Cooperative Boundary Plan Between the City of Beloit and the Town of Turtle is consistent with the Rock County Comprehensive Plan and our Agency recommends the Town of Turtle and the City of Beloit both approve the Plan. It is in the best interests of the Town, City, and County to have the cooperative agreements and considerations so that both communities know where future urban development and rural land uses should be promoted.

Congratulations to both the Town of Turtle and the City of Beloit for working out this cooperative boundary plan - which will be beneficial to current property owners and future generations.

Thank you for the opportunity to review you Plan.

Sincerely,

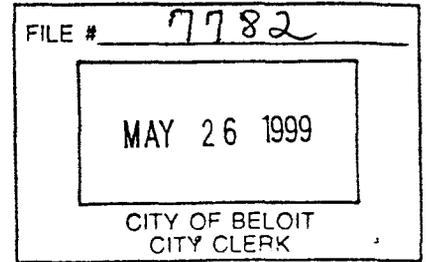
A handwritten signature in cursive script, appearing to read "Phil Blazkowski".

Phil Blazkowski, AICP
Director of the Rock County Planning, Economic
and Community Development Agency

cc: Rock County Planning and Development Committee
Joe Heck, City of Beloit

APPENDIX F

Adoption Resolutions



**RESOLUTION APPROVING A COOPERATIVE PLAN
BETWEEN THE CITY OF БЕЛОIT AND THE TOWN OF TURTLE**

WHEREAS, Section 66.023 of the Wisconsin Statutes authorizes municipalities to set boundary lines between themselves upon adopting and having approved by the Wisconsin Department of Administration, a cooperative plan in accordance with statutory procedures and requirements; and

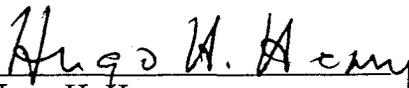
WHEREAS, the cooperative plan shall be made with the general purpose of guiding and accomplishing a coordinated and harmonious development of the territory covered by the plan which will, in accordance with existing and future needs, best promote public health, safety, order, convenience, and the general welfare, as well as efficiency and economy in the process of development; and

WHEREAS, cooperative planning is in the best interest of the participating municipalities.

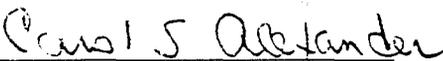
NOW THEREFORE BE IT RESOLVED THAT the City Council of the City of Beloit does approve the cooperative plan presented this day pursuant to Section 66.023 of the Wisconsin Statutes.

BE IT FURTHER RESOLVED THAT the City Manager is authorized to submit the cooperative plan to the Wisconsin Department of Administration for approval.

Adopted this Twenty-sixth Day of May, 1999


Hugo H. Henry
Council President

ATTEST:


Carol S. Alexander, City Clerk

**RESOLUTION APPROVING A COOPERATIVE PLAN
BETWEEN THE CITY OF BELOIT AND THE TOWN OF TURTLE**

WHEREAS, Section 66.023 of the Wisconsin Statutes authorizes municipalities to set boundary lines between themselves upon adopting and having approved by the Wisconsin Department of Administration, a cooperative plan in accordance with statutory procedures and requirements; and

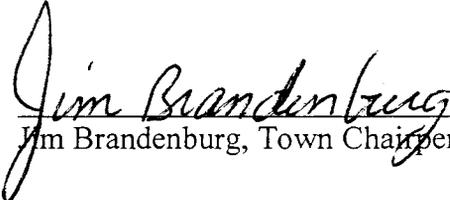
WHEREAS, the cooperative plan shall be made with the general purpose of guiding and accomplishing a coordinated and harmonious development of the territory covered by the plan which will, in accordance with existing and future needs, best promote public health, safety, order, convenience, and the general welfare, as well as efficiency and economy in the process of development; and

WHEREAS, cooperative planning is in the best interest of the participating municipalities.

NOW, THEREFORE, BE IT RESOLVED THAT the Town Board of the Town of Turtle does approve the cooperative plan presented this day pursuant to Section 66.023 of the Wisconsin Statutes.

BE IT FURTHER RESOLVED THAT the Town Chairperson is authorized to submit the cooperative plan to the Wisconsin Department of Administration for approval.

Adopted this 26th day of May, 1999.



Jim Brandenburg, Town Chairperson



Donna Schut, Town Clerk

APPENDIX G

Minutes of the May 26, 1999 Beloit City Council and Turtle Board Meetings



PROCEEDINGS OF THE CITY COUNCIL
SPECIAL MEETING
May 26, 1999
6:00 P.M.

Presiding: Hugo H. Henry
Present: Clippert, Henry, Marks, Ryan, Swenson, Steinkellner, Williams
Absent: None

1. The meeting was called to order at 6:00 p.m. and the Call and Proof of service was read into the record as follows: Council to consider a resolution approving a **Cooperative Boundary Plan between the City of Beloit and the Town of Turtle**. File 7782.
2. City Manager Jane Wood reviewed the overall purpose of the plan, which is to assist the City Council in meeting one of its major goals and move the City forward in the 20 year plan. She outlined the details of the BAA (Boundary Adjustment Area) and noted that this agreement would be a win-win situation for both the City of Beloit and the Town of Turtle.

Manager Wood noted wording in the agreement on pg. 13 reference Town Islands, stating that "during the term of this plan, the City will not attempt to annex or attach Town islands within the BAA without the consent of all property owners in the Town island. However, if the sanitary septic system on a property in a Town island fails and the Rock Co. Public Health Dept. determines that the septic system cannot be repaired or replaced, the property owner may petition the City of Beloit to attach to the City for the purpose of obtaining City sewer service." She also noted that the Blue Line Water Quality 208 Line can be adjusted every five years, at which time the Boundary Agreement would need to be amended.

Ms. Wood also referenced a proposed amendment to the agreement on pg. 20 in Section 4.9.B recommended by City Attorney Richard Holm to read: "During the term of this Plan, when all the property within the BAA is detached from the Town and attached to the City, this will represent the political boundary between the City and Town unless a different boundary is mutually agreed upon by the parties in writing." Councilor Steinkellner moved and Councilor Marks seconded to amend the Plan by striking the original wording in Section 4.9.B and inserting the aforementioned wording. Motion carried unanimously.

3. Councilor Marks moved and Councilor Clippert seconded to adopt the **Cooperative Plan** as amended. Motion carried unanimously.
4. Councilor Marks moved and Councilor Swenson seconded that the meeting be adjourned at 6:10 p.m. Motion carried unanimously

Carol S. Alexander
Carol S. Alexander
City Clerk

TOWN OF TURTLE
BOARD OF SUPERVISORS
SPECIAL MEETING
Wednesday, May 26, 1999
7:00 P.M.

1. Chair Jim Brandenburg called the meeting to order at 7:02 p.m.

2. Roll call:	John Krebs	Present
	Pete Casagrande	Present
	Margaret Palubinski	Present
	Les Oldenburg	Not Present
	Jim Brandenburg	Present

Others Present: Jane Wood, Beloit City Manager, Curt Yanke, Rock County Board of Supervisors, Joe Heck, City of Beloit Boundary Line Agreement Liaison, Steve Benton, WJVL/WCLO, Debra Jensen, Beloit Daily News

3. Purpose of the meeting

A. Boundary Line Agreement with City of Beloit

Background: Howard Moore presented a history of the Boundary Line Committee. The committee was chaired by Perry Folts; other members were Jim Brandenburg, Bill Brewer, Peggy Ross, Bill Henderson, Bill Kutz, Tom Nee, Howard Moore, Don Jones. We got together to see what could be done to make annexation orderly and not lose the whole area all in one shot. We came up with this boundary line agreement and met with City of Beloit and Jane Wood several times. After approximately two years, an agreement was finalized. The main point would be that we would recoup some tax money lost from parcels annexed to the City of Beloit and avoid the need to raise taxes.

Peggy Ross: We worked extremely hard to make an agreement with the city, something that would work for both of us. I just feel that the best foot was put forward on both sides and I would hate to see us not be able to go through with this agreement the way we worked it out.

Perry Folts: I would like to echo some of the comments Jane Wood gave before the Beloit City Council meeting earlier this evening. I attended that meeting and the Beloit City Council unanimously approved a resolution adopting the Boundary Line Agreement. I think it would be a wonderful show of continuing cooperation between the City of Beloit and Town of Turtle if Turtle would do the same. It is the results of about two years' of negotiations between the City and the Town. It started out and ended with a show of good faith between the two. Jane Wood had said on numerous occasions that the City wanted to be good neighbors to the Town of Turtle and we want to be good neighbors to the City also. I think this agreement sets forth the terms and conditions upon which we both can be good neighbors to one another. It established some trust between the municipalities, integrity on both sides, I was very please with the way the negotiations went. We did establish trust with open discussion between the parties. I think we arrived at an agreement that is a fair compromise for both sides. I would ask the town board to adopt the Boundary Line Agreement. We do need to make the one minor adjustment to the language of Sec.

4.9.Sub B., I believe. But otherwise, I believe it speaks for itself. It's based on lost revenue to the Town of Turtle and an orderly development by the City of Beloit so that we maintain the rural atmosphere of the Town, and yet the City is permitted to move on and develop in the necessary area in an orderly fashion. Again, I believe it's a good agreement for both sides and I would urge the town board to adopt it. The change to Sec. 4.9.Sub B., page 20, removed the word "permanent" before "political boundary between the City and the Town." Essentially what that language does is it permits future adjustments to the boundaries. The previous language said that it would represent the permanent political boundary and there was some question whether that would then prohibit any future adjustment to the boundary between the Town and the City. I don't think the City certainly wanted to be bound by that and it may be beneficial to the Town in the future to further negotiate the boundary line agreement. So that was the reason for that change. It was proposed and written by Bill Henderson, our attorney, and that language was adopted by the City of Beloit in their resolution.

Peggy Ross: What about the town islands?

Perry Folts: The islands are still included in the other paragraph that protects the town islands. They are not included in the boundary adjustment area. On page 13, under 4.2 Sub E, during the term of this plan, the City will not attempt to annex or attach town islands within the boundary adjustment area without the consent of all property owners in the town island. However, if a sanitary septic system on a property in any town island fails and the Rock County Public Health Dept. determines that the septic system cannot be repaired or replaced, the property owner may petition the City of Beloit to attach to the City for purposes of obtaining the city sewer service. This is exactly the way we had talked about it previously regarding the town islands. It did not change that particular language. It only pertains to possible future adjustments in the boundary between the city and the town.

Jim Brandenburg reported that Les Oldenburg wanted to thank the committee for all their hard work and he was behind the agreement 100%.

Margaret Palubinski: I'd just like to say that Perry hit the nail on the head when he said it was an issue of compromise between the two municipalities and I was pleased to see how well we worked together, having been a resident of both the city and the town. There were some heated issues here, or could have been heated issues, but I think everyone worked well and I'm very proud of the way the committee handled it.

Jim Brandenburg: I believe this contract between the two municipalities built a huge bridge of negotiations for future reference and communications. For the last 30 years, we all knew there was quite a battle on any procedure with the city and town and hopefully we're turning that around. The city has new leaders and we have different members up here. I'm not sitting here pointing fingers at any one because it takes two sides. And it took two sides to bring this agreement together and, while Margaret said it wasn't an easy task, nothing good is. On a personal note, I thank Jane Wood very much for her work and her foresight to be willing to help use and that was refreshing to Perry and me when we met with her.

Margaret Palubinski made a motion that the Town of Turtle Board of Supervisors accept this Boundary Line Agreement plan as presented. Pete Casagrande seconded.

Roll call vote: Margaret Palubinski/yes, John Krebs/yes, Pete Casagrande/yes, Jim Brandenburg/yes.

B. Approve the Liquor License Application for Shopiere Bar & Grill

The clerk recommends approval pending her receipt of the original liquor license application with original signature and notarized. Margaret Palubinski moved to approve. John Krebs seconded. Roll call: John Krebs/yes, Pete Casagrande/yes, Margaret Palubinski/yes, Jim Brandenburg/yes.

C. Indian Casino Development

Margaret Palubinski: Aside from the obvious that the location does not meet with the land use plan we have developed for Turtle, I would rather not comment right now until I got more information.

Pete Casagrande: I would rather not comment until I get more information.

John Krebs: I would rather not comment until I get more information.

Jim Brandenburg: The City and Town worked hard, many hours, on separate future growth plans. The City came to us with their Gateway Plan which is their long range planning - 1600 acres of the town - for their plan. Through the negotiations of the boundary line agreement, we solved the problems and OK, let's be neighbors and do what we can do. I was very surprised after all that work on both sides that we now have a future development proposed not in the Gateway, not for Turtle's benefit, but strictly for a developer from out of state and an Indian reservation. I'm not for that casino. It's not in Turtle's development plan. I don't think it's in the City's development plan and I think if that thing has to come to the Rock County area, it should go somewhere where it's accessible to the community where they want to be in. I firmly believe it's not in the best interest of the town or to the City of Beloit where it's located and at least revise their location if it has to come to this area.

Donna Schut: I was surprised there was a meeting last night. I heard about it on the radio this morning and also shocked that it was to be west of I90. I didn't know I was going to have an opportunity to speak tonight either. I have lots of information and I would just be generally opposed to its coming to this area at all. I don't have my information with me, but I would be happy to put it together if there will be a chance to present it later.

Peggy Ross: I am totally opposed to that gambling casino. I'm opposed to any gambling casino in the state of Wisconsin. Every time you read something about a casino, the next article you read in the paper is all the expense of gambling addictions. It just leads from one thing to another and it is absolutely no good for the state to be promoting gambling the way they do and then expect the taxpayers to foot the bills for all the medical problems. I think it's absolutely ludicrous for any one to be in favor of a casino. I don't think it belongs in the state, in Turtle Township, and I really don't think the City of Beloit needs it.

Donna Schut: I would make one comment to support what Peggy said from what I remember from what I've read. An Indian nation is recognized as an independent nation by the federal government. It's a proven fact from studies that have been done that crime increases when gambling comes to an area. The Indian tribe will not pay for the extra cost of handling that crime; the taxpayers in the area will pay for that.

4. John Krebs moved to adjourn. Pete Casagrande seconded. Carried by ayes.

Respectfully submitted,
Donna Schut
Clerk/Treasurer

APPENDIX H

City of Beloit Attachment Petition

CITY OF BELOIT

100 State Street, Beloit, WI 53511

Phone: (608) 364-6680

Petition for Attachment

PETITION FOR ATTACHMENT PURSUANT TO A COOPERATIVE PLAN ADOPTED BY THE CITY OF BELOIT AND THE TOWN OF TURTLE UNDER SECTION 66.023, WISCONSIN STATUTES

We, the undersigned, constituting all of the owners of the real property within the Boundary Adjustment Area in the Town of Turtle, Rock County, Wisconsin, lying contiguous to the City of Beloit, petition the City Council of the City of Beloit to attach the territory described below and shown on the attached scale map to the City of Beloit, Rock County, Wisconsin:

Legal Description:

The current population of such territory is _____.

Signature of Petitioner	Name of Petitioner (Please Print)	Date
1.		
2.		
3.		

Subscribed and sworn to me this _____ day of _____, 1999.

Notary Public

My Commission Expires On:

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION

TOMMY G. THOMPSON
GOVERNOR
GEORGE LIGHTBOURN
ACTING SECRETARY



Office of Land Information Services
Municipal Boundary Review
P.O. Box 1645
Madison, WI 53701-1645

Phone: (608) 266-0683
(608) 266-9728
Fax: (608) 266-5519

October 26, 1999

Jane Wood, Manager
City of Beloit
City Hall
100 State Street
Beloit, WI 53511

Jim Brandenburg, Town Chairperson
Town of Turtle
5131 East Creek Road
Beloit, WI 53511

Dear Ms. Wood and Mr. Brandenburg:

I am pleased to provide you with the Department's approval of the "Town of Turtle and City of Beloit Cooperative Boundary Agreement," effective October 25, 1999.

On behalf of the Department, I want to congratulate the City of Beloit and Town of Turtle on their successful efforts.

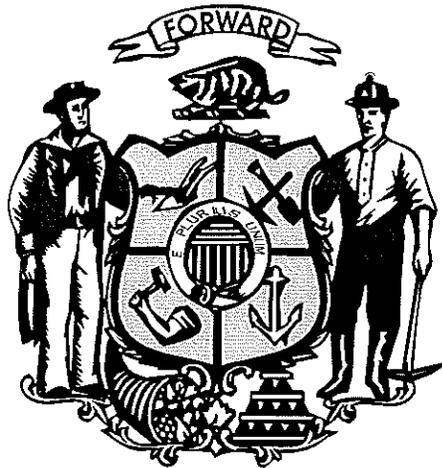
Should you, your staff, or your council members have any questions concerning our approval document, or subsequent cooperative agreement implementation issues, please don't hesitate to contact me at (608) 266-0683, or Robert Zeinemann at 608-266-9728.

Sincerely,

A handwritten signature in black ink, appearing to read "George Hall".

George Hall, Director
Municipal Boundary Review

Cc: Phil Blazkowski, Director, Rock County Planning, Economic and Community
Development Department
William T. Henderson, Town Attorney, Town of Turtle
Richard V. Holm, City Attorney, City of Beloit
J. Michael Blaska, Director, Wisconsin Department of Administration /Office of Land
Information Services
Jeanne Storm, Deputy Director, Wisconsin Department of Administration/Office of
Land Information Services
Mark Saunders, Deputy Legal Counsel, Wisconsin Department of Administration



WISCONSIN DEPARTMENT OF ADMINISTRATION

APPROVAL of the TOWN OF TURTLE
and CITY OF BELOIT
COOPERATIVE BOUNDARY AGREEMENT

October 25, 1999

Introduction

September 23, 1999, the Department of Administration received a revised "Cooperative Boundary Plan Between the City of Beloit and the Town of Turtle, Rock County, Wisconsin" (hereinafter called the "cooperative plan") for review and approval authorized by Section 66.023 (5), Stats. The territory affected by this cooperative plan, denominated the "Boundary Adjustment Area," (BAA) includes approximately 2.5 square miles of the Town of Turtle primarily situated east of Interstate Highway 90, including parts of PLS Sections 28, 29, 32, 33, and parts of Sections 30 and 31 west of Interstate Highway 90; a smaller separate area of the BAA is located in PLS Sections 15 and 16 near Interstate Highway 43 and Hart Road; a small area in PLS Section 22 along East Colley Road is also included. The "Boundary Adjustment Area" is bounded by existing city limits on the north, the state line on the south, and the east line of Section 33 on the east, and the Town of Turtle's western limits. The purpose of this cooperative plan is to provide guidance for the orderly attachment of town lands from this area to the City of Beloit.

The Department is directed by Section 66.023 (5) (a), Stats., to review cooperative plans prepared and adopted by the municipalities involved, and issue written findings based on criteria found in s. 66.023 (5) (c) as to whether or not to approve the "plan."

Before cooperative plans are submitted to the Department, a joint public hearing is required. Appendix C of the cooperative plan has minutes from this, May 6, 1999, hearing. Following approval of the cooperative plan by governing bodies of the town and the city, an advisory referendum may be conducted within each of the participating municipalities if requested by qualified electors. No formal advisory referenda regarding this cooperative plan were requested at the municipal level prior to submission of the "plan" to the state.

Following receipt of a cooperative plan by the Department, a public hearing may be requested, or the Department may, on its own motion, conduct a public hearing. The Department subsequently received no request for a public hearing, as provided by s. 66.023 (5) (a), Stats., and believes that the purpose of this cooperative agreement is clear and that the information submitted to the Department is sufficiently adequate, so that no additional public hearing is necessary.

Cooperative boundary agreements are a relatively new (1991 Wisconsin Act 269) procedure affording any combination of cities, villages and towns the opportunity to establish boundary lines and services between or among themselves pursuant to a cooperative plan approved by the Department. Municipalities interested in learning more about this statute are encouraged to review explanatory materials available upon request from the Department. This is the fifth cooperative plan submitted to, and approved by, the Department.

Approval Criteria Applicable to the Department

A cooperative plan shall be approved by the Department if the Department determines that all of the following numbered criteria from s. 66.023 (5) (c) , Stats., apply:

(1) The content of the plan under sub. s. 66.023 (3) (c) to (e) is sufficient to enable the Department to make the determinations under subs. 2 to 5m.

Staff determined that the cooperative plan submitted by the town and city on July 7, 1999, needed to be further clarified to accurately reflect the intentions of the parties. The Department's letter of July 26, 1999, outlined needed edits to the cooperative plan, which were subsequently discussed with the parties. The Department received clarifications to the cooperative plan on September 23, 1999. The city, town, and Department agree that these changes to the cooperative plan are clarifications and not amendments requiring approval by the Beloit City Council or the Turtle Town Board (see attachments).

Staff have determined that this subsequently edited cooperative plan contains sufficient information within the following categories so as to enable the Department to approve the plan. Information required by statute to be contained in the cooperative plan includes: Identification of current land use and physiographic conditions of territory designated by the proposed agreement; identification and justification of a time period specifying the duration of the cooperative agreement, identification of boundary changes and the conditions for the changes and when they may occur; a statement of why the boundary area is appropriate for the amount and type of development that is desired to occur; the method for provision of services to the identified territory (however local costs are not estimated); physical activities necessary for the desired outcome planned for the territory are described (however local costs are not estimated); potential environmental consequences of the plan have been considered and evaluated; housing activities within the area affected by the plan are described along with a cursory identification of housing needs; all permits, ordinances and sources of jurisdiction necessary are identified for plan activities to occur within the territory - either before or after attachment to the city; the plan contains evidence that public comments received during plan preparation were considered during the preparation of the plan; and the plan as edited is consistent with applicable state and federal codes.

(2) The cooperative plan is consistent with current state laws, municipal regulations and administrative rules that apply to the territory affected by the plan.

This cooperative plan was reviewed by staff from the Rock County Planning, Economic and Community Development Department. The Rock County Planning, Economic and Community Development Department recommended approval of the cooperative plan. The cooperative plan was not reviewed by a regional planning commission because no regional planning commission serves Rock County.

Our analysis of this cooperative plan along with written and verbal responses from Rock County Planning Department suggests that the plan as approved should not be in opposition to existing laws or administrative rules. The Department has a concern as to whether the proposed Gateway development as presently planned will impact endangered fish and plants

within the BAA area. The City of Beloit's Gateway Plan, which is included as part of the cooperative plan, shows development in areas designated as non-developable environmental corridors in the Beloit-Clinton Area Water Quality Management Plan. These same environmental corridors are shown in figure 10 of the cooperative plan. The Beloit-Clinton Area Water Quality Management Plan was written under the provisions of Section 208 of Public Law 92-500, and was completed in January 1998. Although many portions of the Gateway Plan Project are inside the Beloit City Limits and outside the BAA area, it is most useful to look at impacts from the project level. Areas along Spring Brook and the Chicago Northwestern Railroad right-of-way (Union Pacific Railroad recently assumed ownership of this right-of-way) are where development has the potential to destroy endangered resources. (See Section 5m below for further discussion; however, existing and proposed development within the territory of the cooperative plan -due to various required state permits- will be consistent with ordinances, plans and policies adopted by the Town of Turtle, the City of Beloit, Rock County, and the State of Wisconsin, to the extent the town and city carry out the activities pursuant to the agreement.)

(3) Adequate provision is made in the cooperative plan for the delivery of necessary municipal services to the territory covered by the plan.

The plan provides for the assumption of public service responsibilities by the city as properties are transferred to the city. The Town of Turtle's ordinances and policies will continue until such time as the territory encompassed by the agreement actually transfers to the city. Following state approval of this agreement, the town will maintain responsibility for administrating and issuing zoning permits for the "boundary adjustment area," until such time as parcels transfer to the city's jurisdiction. The Land Use Plan adopted by the City of Beloit of March 2, 1998, and amended by adoption of the Gateway Master Plan adopted by the City on November 16, 1998, illustrates the residential and commercial land uses proposed for the subject territory.

The City of Beloit indicates that it has the means to serve area attached to the city with a full range of public services including: sanitary sewer, water, electricity, natural gas, fire, police, sewer, water, solid waste collection and recycling, code enforcement, and development regulation, and other services.

The City estimates that 11,000 people will eventually reside in the Boundary Adjustment Area when it is fully developed. The City estimates that a new fire station and six to nine additional firefighters will be needed to serve the BAA, as well as three additional police officers, two street maintenance workers and two additional solid waste handlers. Another 66 acres in neighborhood and community parks will be needed to meet the recreation and open space standards within Beloit's parks plan.

The "Plan" does not indicate the method for paying for services the City of Beloit will provide to the BAA, and no fiscal estimate was prepared to project how development of the BAA will affect the taxes of current and future property owners within the BAA or the City of Beloit. The lack of fiscal estimates for the cost of service delivery within the Cooperative Plan is troublesome. However, assuming the City of Beloit is currently in good fiscal health (the city's bond rating and other measures of fiscal health are also lacking from the "Plan") and infrastructure development of the BAA is concurrent with the platting and sale of lots,

municipal services can keep pace. The Department recognizes that the city needs to stage the necessary infrastructure subject to market conditions, and so that costs are borne by the developers, and that these matters are typically the subject of "developer" agreements.

(4) Any boundary maintained or any boundary change under the cooperative plan is reasonably compatible with the characteristics of the surrounding community, taking into consideration present and potential transportation, sewer, water and storm drainage facilities and other infrastructure, fiscal capacity, previous political boundaries and shopping and social customs.

Present and potential transportation systems

The BAA is currently served by town roads, County Road "P" on the south, and the BAA is transversed by Interstate Highway 90. Interstate Highway 43 accessing the Milwaukee metropolitan area is adjacent to that portion of the BAA in PLSS 15. The entire roadway network provides direct connections to Madison, Milwaukee, Chicago, Green Bay, Minneapolis-St. Paul, Janesville, Rockford, Monroe, Dubuque, and smaller local communities as well. The Wisconsin Department of Transportation, Illinois Department of Transportation, Rock County, and the City of Beloit either currently are, or will be responsible for the local street and highway network subject to the cooperative agreement. Responsibility for Interstate 94, Interstate 43, and State of Wisconsin Visitors Center will continue to be the responsibility of the Wisconsin Department of Transportation. At this time, no new interchanges or entrance/exit ramps are proposed for the BAA area. However, the Illinois Department of Transportation is reconstructing the Route 75/Interstate 90 interchange lying immediately south of the state line. This will provide direct interstate highway access to the "Gateway" project from the south.

A network of peripheral arterial streets necessary for the plan area is partly in place. Necessary arterial, local, and collector streets will be constructed by the project developer according to the Land Use Plan adopted by the City of Beloit of March 2, 1998, and amended by adoption of the Gateway Master Plan adopted by the City on November 16, 1998. At such time as property adjacent to highways and local town roads attach to the City of Beloit, the City will maintain the highways and local roads.

The City of Beloit will assume jurisdictional responsibility for local streets, both existing and planned, as territory is attached, and as new development occurs within undeveloped territory transferred from the town to the city as specified in the cooperative agreement.

The Beloit Transit System provides fixed-route and limited demand-responsive transit service Monday through Saturday. Currently, 90 percent of the city's population is within one-quarter mile of a bus route. Transit service plans for the BAA are not mentioned in the cooperative plan. The Department expects that by the end of the Cooperative Plan term the City of Beloit will provide the BAA area transferred to the city with transit services.

Sewer, water and storm drainage facilities and other infrastructure

This cooperative agreement states that the Town will maintain all public improvements and continue municipal services it now provides to Town residents, until such time as a property attaches to the City. When properties are attached to the City, the City will maintain all public improvements and provide municipal services. Before a property owner in the BAA can

connect to City sanitary sewer service, the property owner must first attach to the City. Beloit's wastewater treatment plant is operating at approximately 50 percent of the rated capacity. However, the agreement does not spell-out anticipated time frames when any needed lift stations and sewer interceptors will be completed.

Sewer interceptors and water transmission lines will be financed with special assessments and borrowing as defined in developer agreements.

Fiscal capacity

The City claims to have the fiscal capacity to bond for the public infrastructure necessary to complete the activities specified in the agreement.

Previous political boundaries

Figure 1 of the Cooperative Boundary Plan portrays Town of Turtle territory that may, if all property owners request, be attached to the City of Beloit by the end of the agreement. Possible transfers of town territory to the city will include 2.5 square miles of the plan territory by the end of the 20-year plan term. This agreement will transfer contiguous town lands to the city, while promoting higher density residential development than that which could have otherwise been platted and built in the town under existing county zoning district regulations, and current on-site septic regulations.

Shopping and social customs

The City of Beloit lies within an urbanized belt running from Rockford, Illinois, to Janesville, Wisconsin. Both City of Beloit and Town of Turtle residents use the shopping, cultural, and social amenities available throughout the Janesville-Beloit-Rockford region. Census statistics indicate that workers commute throughout the area for employment. Newspapers, radio, and television carry news of events throughout the area. Major shopping areas are located in Rockford, Beloit, and Janesville. They include Cherryvale Mall; East State Street, Rockford; downtown Rockford; Machesney Park Mall; Janesville Mall; and the Humes Road corridor, Janesville.

The Department believes that the boundary adjustments proposed by the cooperative plan are appropriate and consistent with the characteristics of the territory, and the adequacy of facilities either existing, or proposed, as characterized in the plan and accompanying attachments.

(5) The shape of any boundary maintained or any boundary change under the cooperative plan is not the result of arbitrariness and reflects due consideration for compactness of area. Considerations relevant to the criteria under this subdivision include quantity of land affected by the boundary maintenance or boundary change and compatibility of the proposed boundary maintenance or boundary change with natural terrain including general topography, major watersheds, soil conditions, and such features as rivers, lakes and major bluffs.

Given that the Town of Turtle will not allow urban-type development within the cooperative plan area during the term of the plan, and that there are owners with large land holdings for which purchase options have already been, or will be acquired, and because the City of Beloit can offer full urban services, this agreement will likely result in the complete transfer of town lands located within the BAA currently adjacent to the city. A more easily definable boundary will result than if incremental annexations were to otherwise take place. This agreement also

establishes an attachment process that makes the “Gateway” project feasible from a policy and real estate development perspective.

(5m) The cooperative plan adequately identifies and addresses the significant adverse environmental consequences to the natural environment that may be caused by the proposed physical development of the territory covered by the plan, the municipalities submitting the plan have adequately identified and considered alternatives to minimize or avoid the significant adverse environmental consequences, the proposals in the plan for compliance with federal environmental laws or regulations and state environmental laws or rules are adequate and the need for safe and affordable housing for a diversity of social and income groups in each community has been met.

Proposed cooperative plan implementation activities are normal for urban areas, and are regulated by established municipal, county, and state codes. The agreement transfers primarily developable town lands situated at the southeastern edge of the City of Beloit, thereby minimizing urban sprawl in the territory beyond the agreement, while assuring that ultimately all development within the territory will be served by a full complement of urban services, installed according to adopted land use plans and associated implementing ordinances. Planned activities will eliminate potential sources of groundwater contamination. As urban development occurs, any externalities (additional stormwater runoff, increased vehicular traffic, increased solid waste, and so forth) will be mitigated according to acceptable municipal and state agency norms and standards. Local development standards are already in conformance with existing local, county, state, and federal codes and administrative standards.

The “Plan” identifies a State Threatened Species, the Ozark minnow (Notropis nubilus), and a State Endangered Species, the gravel chub (Erimystax (Hybopsis) x-punctata). The Wisconsin Department of Natural Resources has confirmed sightings of these two fish in Turtle Creek and Spring Brook. The confluence of Turtle Creek and Spring Brook is a critical habitat for the gravel chub. In response to routine questions from the Department to the Wisconsin Department of Natural Resources, eight additional listed resources were noted. They are the greater redhorse (Moxostoma valenciennesi), a fish listed as Threatened in Wisconsin, that occurs in Turtle Creek; wild petunia (Ruellia humilis), a plant listed as Endangered in Wisconsin; woolly milkweed (Asclepias lanuginosa), a plant list as Threatened in Wisconsin; prairie Indian plantain (Cacalia tuberosa), a plant listed as Threatened in Wisconsin; pale purple coneflower (Echinacea pallida), a plant listed as Threatened in Wisconsin; glade mallow (Napaea dioica), a plant listed as a Federal Species of Concern and State Special Concern; tall melic grass (Melica nitens), a State Special Concern Plant; and hop tree (Ptelea trifoliata), a State Special Concern Plant. Special Concern species are species about which some problem of abundance or distribution is suspected but not yet proven. The main purpose of this category is to focus attention on certain species before they become endangered or threatened. Specific information on location and date of the most recent observation is confidential but will be coordinated with you to use in planning protection measures. We would encourage the City of Beloit to contact Helen Elise Kitchel, Wisconsin Department of Natural Resources/Bureau of Endangered Resources, at (608) 266-5248, to obtain non-public location information, and information on how to obtain and process any permits that may be needed as a consequence of the presence of these species and their habitat.

A natural area, Frito Lay Prairie, occurs along the Chicago and Northwestern Railroad (Union Pacific Railroad right-of-way) in PLS Sections where the BAA and Gateway project (including areas presently in the City of Beloit) is located. This floristically-rich mesic prairie is of State Natural Area quality and it is known to contain populations of the aforementioned state-listed plant species. There are other portions of the Chicago and Northwestern (Union Pacific) railroad right-of-way that also contain rare plants and quality prairie remnants within the Gateway Project and Boundary Adjustment Area.

The cooperative plan does not indicate how these species may be affected during and after the implementation of the City of Beloit's Gateway Plan or the Beloit Land Use Plan. The City's Gateway Plan shows an environmental corridor buffer on either side of Spring Brook and its tributaries; however the Gateway and other City Land Use Plans show a significantly reduced environmental corridor surrounding Spring Brook and its tributaries than the Section 208 Beloit-Clinton Area Water Quality Management Plan, and the Town of Turtle Land Use Plan. The area where the Gateway Plan reduced the width of the environmental corridor is bounded on the west by I90, the north by I43, south by CNW Railroad and on the east by a mapped extension of Lathers Road. Although this area is farmed, its topography is relatively flat; DRG maps show no contours at 10' intervals and wet soils appear to be present.

We recommend that the City of Beloit discuss this area with the Wisconsin Department of Natural Resources and reevaluate and possibly increase the size of the environmental corridors along Spring Brook. Where state Threatened and Endangered species occur, construction practices and timing may need to be altered for fish species in Spring Brook or Turtle Creek. Similarly, building and vehicular parking locations may need to be altered to avoid impacting plant species and natural communities. Silt carried into Spring Brook, which eventually flows into Turtle Creek, that results in sedimentation would have a detrimental effect on the endangered and threatened fish species in these waterways. Therefore, erosion control measures are critical when soils are disrupted during construction near these waterways. In addition, adequate stormwater retention areas are needed to capture runoff during major rain events, and these may need to be located outside of the environmental corridor. In addition, the City of Beloit might pursue an inventory and management agreement with the Chicago and Northwestern (or Union Pacific) railroad, to provide for the inventory, protection and management of the prairie remnants and rare plants populations occurring within their right-of-way.¹

¹ In essence, s. 29.604, Wis. Stats, and associated administrative rules (as paraphrased by the Department of Natural Resources for the Department of Administration) may be summarized as follows:

Wisconsin Law prohibits the taking of any animal listed as endangered or threatened, regardless of where it occurs. For plants, taking is prohibited only on public property. However, even on public lands taking of listed plants is not prohibited if it occurs in the course of forestry, agricultural, or utility practices.

The Department of Natural Resources may authorize the taking of listed species that would otherwise be prohibited under state law through either Scientific Take Permits or through an Incidental Take authorization. Scientific Take Permits may be granted for taking that is for zoological, educational, or scientific purposes. Incidental Take authorization may be granting for taking that is not the purpose of, but will be only incidental to, the carrying out our an otherwise lawful activity.

Proposed market-rate single-family and multi-family housing, to be developed at densities greater than what would otherwise have occurred in the town, will address a demand for housing in the Beloit area. And proposed commercial and industrial development will address demand for businesses.

If the above issues are considered and proper protective measures are taken, the activities envisioned by this cooperative plan will be consistent with adopted local government and other county and state agency plans and regulations.

The Rock County Planning, Economic & Community Development Department, in their review of this cooperative agreement commented:

“It is in the best interests of the Town, City, and County to have the cooperative agreements and considerations so that both communities know where future urban development and rural land uses should be promoted.”

(6) *Any proposed planning period exceeding 10 years is consistent with the plan.*

This cooperative plan and agreement will remain in effect from the date of approval until December 31, 2020, in order to allow provision of the agreement to coincide with various attachment alternatives for parcels receiving public utility service under the agreement.

In order to authorize incidental taking, the Department of Natural Resources must conclude the following: 1) The taking is not likely to jeopardize the continued existence and recovery of the listed species, or the whole plant-animal community of which it is part, within the state; 2) The taking is not likely to result in the destruction or adverse modification of habitat determined by the Department of Natural Resources to be critical to the species' continued existence within the state, and 3) To the maximum extent possible, adverse impacts are minimized and mitigated.

The law provides for two routes to incidental take authorization, depending on whether a state agency is involved in the activity or not. The first is through Incidental Take Permit (see Section 6m of the law). The statute provides for a \$100 application fee (see Ch. 29.563) for the endangered species permit. The permit applies to activities in which there is not state agency action, such as a private development in which no state permits or approvals are needed. The applicant must develop a conservation plan, which is described in the law. The second route to a taking authorization is through State Agency Consultation, which is invoked when a state agency action is involved in a project. Whether one is seeking approval to take an endangered species through an Incidental Take Permit, or through State Consultation, however, the requirements of the law are basically the same.

Questions on Wisconsin's Endangered Species Law or the concept of "Incidental Take" may be directed to Cathy Bleser DNR/Bureau of Endangered Resources, 101 S. Webster, Madison, WI 53715 or phone (608) 266-8736.

Approval

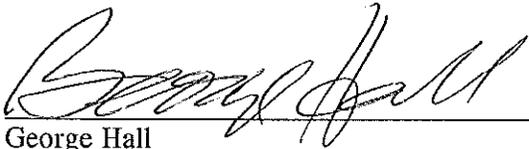
This cooperative plan and agreement meets the statutory criteria of s. 66.023, Stats. Pursuant to authority under s. 66.023 (5), Stats., the Wisconsin Department of Administration hereby approves the "City of Beloit and Town of Turtle Cooperative Boundary Plan."

Plan and agreement activities shall be implemented as set forth in the "City of Beloit and Town of Turtle Cooperative Boundary Plan," dated May 26, 1999, as adopted and revised by the parties, and submitted to the Department for final review on September 23, 1999. Changes or revisions to this cooperative plan and agreement can only occur with the approval of the Town of Turtle, and the City of Beloit, according to "Plan Amendment Procedures" spelled out in the agreement, and with the concurrence of the Wisconsin Department of Administration or any successor agency granted the authority to administer the provisions of s. 66.023, Stats.

This cooperative plan and agreement is effective from today's date, and remains in effect for 20 years from the date of approval by the Department, subject to amendment by the parties.

Dated this 25th day of October, 1999

By the Wisconsin Department of Administration:



George Hall
Director of Municipal Boundary Review
Wisconsin Department of Administration



Mark Saunders
Deputy Counsel
Wisconsin Department of Administration