

**MAIER
MILNAY &
SCHMITT,**
LTD

Grafton State Bank Building
101 Falls Road, Suite 603
Grafton, WI 53024-2612
Phone: 262.376.1287
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Mr. Erich Schmidtke
Department of Administration
17 S. Fairchild Street 7th Floor
P. O. Box 1645
Madison, WI 53701-1645

June 1, 2004

Mr. Erich Schmidtke
Department of Administration
17 S. Fairchild Street 7th Floor
P. O. Box 1645
Madison, WI 53701-1645

Re: *Petitioner: B&N Development, LLC*
From: Town of Port Wisconsin
To: City of Port Washington, Wisconsin

Dear Mr. Schmidtke:

Enclosed for filing with the Department of Administration is a copy of a Notice of Intent to Circulate a Petition for Annexation of approximately 65.26 acres now located in the Town of Port Washington, and a scale map of the proposed annexation territory. The Notice of Intent was published in the Ozaukee Press legal notices on May 27, 2004.

Please acknowledge your receipt of the enclosed on the extra copy of this letter and return it to me in the self-addressed, stamped envelope.

Very truly yours,



Bruce A. McIlnay

BAM/meb

cc: Mr. Mike Batzler
Clerk – City of Port Washington
Clerk – Town of Port Washington

**NOTICE OF INTENT
TO CIRCULATE PETITION FOR ANNEXATION
TO THE CITY OF PORT WASHINGTON, WISCONSIN**

Please take notice that in not less than ten (10) nor more than twenty (20) days from the date of this notice, the undersigned owner of some of the real property in the territory described below, intends to circulate a petition in accordance with Section 66.0217(4) of the Wisconsin Statutes for annexation of the following territory in the Town of Port Washington, Ozaukee County, Wisconsin to the City of Port Washington, Wisconsin:

Parcel C:

The West Half (W1/2) of the East 1/2 (E1/2) of the Northeast 1/4 (NE1/4) and the East 1/2 (E1/2) of the East 1/2 (E1/2) of the West 1/2 (W1/2) of the Northeast 1/4 (NE1/4), Section 31, Township 11 North, Range 22 East in the Town of Port Washington, Ozaukee County, Wisconsin.

More precisely bounded and described as follows: Commencing at the SE Corner of the Northeast Quarter of Section 31, Township 11 North, Range 22 East; thence S 87°14'07" W along the South line of said NE 1/4 Section 1183.57 feet to the Point of Beginning of the lands to be described; thence continuing S 87°14'07" W along the South line of said NE 1/4 Section 482.57 feet; thence N 02°24'48" W 2663.09 feet to a point on the North line of said NE 1/4 Section; thence N 87°11'34" E along the North line of said NE 1/4 Section 996.01 feet; thence S 02° 29'45" E 2630.81 feet to the North Right of way line of Sunset Road, thence S 87°11'34" W along said right of way line 517.42 feet; thence S 02°45'53" E to the point of beginning. EXCEPTING THEREFROM lands bounded and described as follows: Commencing at the SE Corner of the Northeast Quarter of Section 31, Township 11 North, Range 22 East; thence S 87°14'07" W along the South line of said NE 1/4 Section 1666.14 feet; thence N 02°24'48" W 2537.09 feet to the Point of Beginning of the lands to be described; thence continuing N 02°24'48" W 126.00 feet to a point on the North line of said NE 1/4 Section; thence N 87°11'34" E along the North line of said NE 1/4 Section 996.01 feet; thence S 02° 29'45" E 131.91 feet; thence S 87°30'15" W 182.96 feet; thence N 88°09'01" W 60.53 feet; thence S 87°11'34" W 100.12 feet; thence S 73°16'04" W 249.33 feet; thence N 68°41'11" W 146.82 feet; thence S 87°35'24" W 96.76 feet; thence S86°33'08" W 60.01 feet; thence S 87°11'34" W 120.00 feet to the point of beginning.
Said Parcel containing 2,502,921 S.F. or 57.46 acres of land.
Tax Key No. 07-031-01-002-00

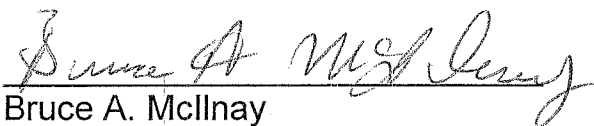
Parcel D:

Lot One (1) of Certified Survey Map No. 1354 as recorded August 31, 1981 at 2:40 pm in the Office of the Register of Deeds in and for Ozaukee County, Wisconsin in Volume 7 of Certified Survey Maps on page 62 as Document No. 328488 and being a part of the S 1/2 of the E 1/2 of the NE 1/4 of Section Thirty-one (31), Township Eleven (11) North, Range Twenty-two (22) East, Town of Port Washington, Ozaukee County, Wisconsin, EXCEPTING THEREFROM the South 33 feet.
Tax Key No. 07-031-01-002-00

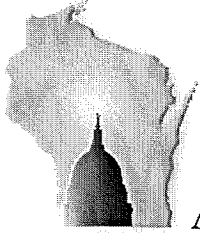
A copy of the scale map may be inspected at either the Town of Port Washington Town Hall or the City of Port Washington City Hall.

Dated this 27th day of May, 2004

B&N Development, LLC
Partial Owner

By: 
Bruce A. McInay
General Counsel

Contact:
Bruce A. McInay
101 Falls Road, Suite 603
Grafton, WI 53024



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

JIM DOYLE
GOVERNOR

MARC J. MAROTTA
SECRETARY

Division of Intergovernmental Relations
101 E. Wilson Street, 10th Floor
Madison, WI 53702-0001
(608) 264-6102, Fax (608) 266-5519
<http://www.doa.wi.gov/>

June 8, 2004

PETITION FILE NO. 12337

MARK E. GRAMS, CLERK
CITY OF PORT WASHINGTON
PO BOX 307
PORT WASHINGTN, WI 53074-0307

SUSAN WESTERBEKE, CLERK
TOWN OF PORT WASHINGTON
3473 COUNTY RD KK
PORT WASHINGTON, WI 53074

Subject: B & N DEVELOPMENT, LLC ANNEXATION

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

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

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

Our reply must be prepared within a very limited statutory deadline. Please return the questionnaire no later than June 21st so that the information can be reviewed prior to the department's statutory deadline of June 28. Direct any questions and comments to Erich Schmidtke at (608) 264-6102 or me at (608) 266-0683. This is the third petition filed for similar territory (our previous Annexation Review File #'s are 12293 and 12298). Thank you for your cooperation.

Enclosed please also find 2003 Wisconsin Act 317 which makes a number of changes to annexation law. In order for this annexation petition to be considered for adoption as an ordinance, the proposed annexation will be need to comply with this law.

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

Sincerely,



George Hall
george.hall@doa.state.wi.us

Enclosures

Cc: Attorney Bruce A. McIlnay

PETITION # 12337

ANNEXATION REVIEW QUESTIONNAIRE **MUNICIPAL BOUNDARY REVIEW**

1. Territory to be annexed:	From Town of:	To City/Village of:
B & N Development, LLC	Port Washington	Port Washington

2. Area (Acres): ±70 Approx. Equalized (full) value: Land:\$ N/A Improvements:\$ N/A

3. Property Tax on territory to be annexed (for year annexation will be final): N/A Comments: will be
 Multiplied by 5 years: N/A calculated as per
 Total to be paid to Town: N/A statute.

4. Approximate present land use of territory: | Resident Population:

Undeveloped: <u>90</u> %	Residential <u>10</u> %	Electors: <u>4</u>
Commercial: <u>10</u> %	Recreational <u> </u> %	Total: <u>4</u>
Industrial: <u>0</u> %		

5. If territory is undeveloped, what is the anticipated use?

Commercial: <u> </u> %	Residential <u>100</u> %	Other: <u> </u>
Industrial: <u> </u> %	Recreational <u> </u> %	

Comments:

6. Has a preliminary or final plat been submitted to the Plan Commission: Yes X No Concept Only

7. What is the nature of land use adjacent to this territory in the city or village?:
North & East is residential; South is business park/industrial

In the town?: West is agricultural/undeveloped

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

Sanitary sewer <u>X</u>	Police/Fire protection <u>X</u>	
Water supply <u>X</u>	EMS <u>X</u>	
Storm sewers <u>X</u>	Zoning <u>X</u>	
Other <u> </u>		

9. Is the city/village or town capable of providing needed utility services?
 City/Village X Yes No. Town Yes X No

If yes, approximate time table for providing service:

Sanitary Sewers immediately or, write in number of years.	City/Village <u>1</u> year	Town <u>N/A</u>	
Water Supply immediately, or, write in number of years.	<u>1</u> year	<u>N/A</u>	

PETITION # 12337

Will provision of sanitary sewers and/or water supply to annexation territory require capital expenditures in the form of treatment plant expansion, lift station, interceptor sewers, additional well(s), or water storage facilities? Yes ☒ No. If yes, identify nature of improvement and probable costs: _____

10. Parks and Recreation:Total acreage: ±190 Annual park program appropriation: \$260,000

Describe proximity of parks from annexation territory:

< 1/4 mile; new proposed community park to be developed nearby

11. Schools:What school district(s) serve the territory to be annexed? Port Washington-Saukville School District**12. Planning:**1. Do you have a comprehensive plan for the City/Village/Town? ☒ Yes ☐ NoIf yes, when was it prepared? 1993 When Updated? 1997Who prepared the plan? Russ Knetzger

2. Annual appropriation for planning? \$ _____

3. How is the annexation territory now zoned? Agriculture4. How will the land be zoned and used if annexed? Residential**13. Boundary Agreement:**

1. Has your community entered into a boundary agreement with one or more area jurisdictions? _____

2. If yes, which jurisdictions? _____

3. Under what statutory authority (ss. 66.0307, 66.0225, or 66.0301)? _____

4. Is this proposed annexation consistent with the agreement? Describe _____

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

Annexation & proposed development is consistent of Joint City-Town Land Use Plan adopted in 2002.

Prepared by: Randy TetzlaffTitle: Director of Planning & DevelopmentPhone: 262-284-2600Date: June 18, 2004

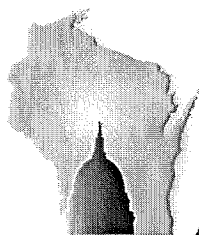
Please RETURN PROMPTLY to:

Division of Intergovernmental Relations

Municipal Boundary Review

101 E. Wilson Street, 10th Floor

Madison, WI 53702-0001



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

JIM DOYLE
GOVERNOR

MARC J. MAROTTA
SECRETARY

**Division of Intergovernmental Relations
Municipal Boundary Review**
101 E. Wilson Street, 10th Floor
Madison, WI 53702-0001
(608) 264-6102, Fax (608) 266-5519
<http://www.doa.wi.gov/>

June 28, 2004

DOA PETITION FILE NO. 12337

MARK E. GRAMS, CLERK
CITY OF PORT WASHINGTON
PO BOX 307
PRT WASHINGTN, WI 53074-0307

SUSAN WESTERBEKE, CLERK
TOWN OF PORT WASHINGTON
3473 COUNTY RD KK
PORT WASHINGTON, WI 53074

Subject: B & N DEVELOPMENT, LLC ANNEXATION

The proposed annexation submitted to our office on June 8, 2004, has been reviewed and found to be in the public interest.

The subject petition is for territory that is reasonably shaped and contiguous to the City of Port Washington. With slight refinements, this submission has previously been reviewed as Petition Nos. 12293, and 12298.

The Department reminds clerks of annexing municipalities of the requirements of s. 66.0217 (9)(a), Wis. Stats., which states:

"The clerk of a city or village which has annexed shall file immediately with the secretary of state a certified copy of the ordinance, certificate and plat, and shall send one copy to each company that provides any utility service in the area that is annexed. The clerk shall record the ordinance with the register of deeds and file a signed copy of the ordinance with the clerk of any affected school district..."

State and federal aids based on population and equalized value may be significantly affected through failure to file with the Secretary of State. Please file a copy of your annexing ordinance, including a statement certifying the population of the annexed territory. The address of the Office of the Secretary of State is:

Annexations and Railroads
Division of Government Records
Office of the Secretary of State
P.O. Box 7848
Madison, WI 53707-7848

Please call me at (608) 266-0683, should you have any questions concerning this annexation review letter. I am enclosing a copy of Act 317, as this legislation may affect the passage of any annexation ordinance.

Sincerely,

George Hall
Municipal Boundary Review

Cc: Attorney Bruce A. McIlnay