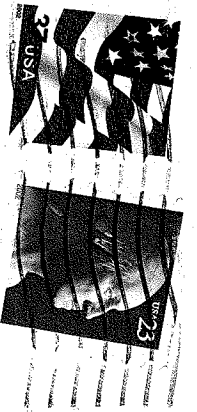


Heffron & Associates, Inc.  
R E A L E S T A T E

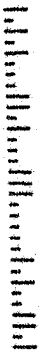


2000 Prairie Street, Suite 100  
Prairie du Sac, WI 53578



*Plat Review?  
10/23/02*

Annexation Review  
Department of Administration  
101 East Wilson Street  
Madison, WI 53702



PETITION FOR DIRECT ANNEXATION

To: Board of Trustees  
Village of Black Earth  
Black Earth, Wisconsin

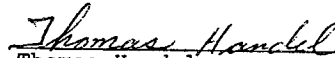
We, the undersigned, constituting all of the Owners and Electors residing within the territory and land hereinafter described, do hereby petition the Village Board of the Village of Black Earth for the purpose of direct annexation of the attached described real property to the Village of Black Earth, and further petition said Board to detach such lands from the Town of Black Earth, Dane County, Wisconsin. A copy of the survey map describing such premises is attached hereto and incorporated herein by reference.

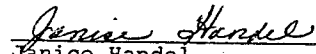
This Petition is made pursuant to the authority granted in Wisconsin Statutes Section 66.0217, **Annexation Initiated by Electors and Property Owners**. Pursuant to Wisconsin Statutes Section 66.0217(5)(a), the population residing within said lands is


PSD  
four (4)  
five (5)

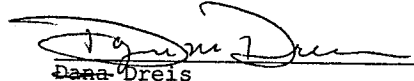
This Petition for Direct Annexation requests that an Annexation Ordinance in accordance with Wisconsin Statute Section 66.0217(8) be enacted by the Village Board of the Village of Black Earth, Dane County, Wisconsin.

Dated this 28 day of July, 2004.

  
Thomas Handel

  
Janice Handel

  
Paul Dreis

  
Dana Dreis  
Dayna

**LEGAL DESCRIPTION**

Daniel Heffron Properties  
Town of Black Earth, Dane County, WI

**Lands to be Annexed to the Village of Black Earth:**

Being Lots 1 and 2, Certified Survey Map, No. 5696 located in the Northeast Quarter of the Southwest Quarter, the Northwest Quarter of the Southeast Quarter, the Southeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter of Section 35, Town 8 North, Range 6 East, Town of Black Earth, Dane County, Wisconsin, described as follows:

Commencing at the West Quarter corner of said Section 35;  
thence South 89°41'33" East, 2,394.81 feet to the southwest corner of Sunset Valley and the point of beginning;  
thence South 89°44'14" East along the south line of Sunset Valley and the north line of Lot 2, Certified Survey Map, No. 5696, 1,579.22 feet to the southeast corner of Sunset Valley and the northeast corner of said Lot 2;  
thence South 00°42'13" West along the east line of said Lots 1 and 2, 1,979.62 feet;  
thence South 89°26'51" West along the south line of said Lot 1, 1,293.82 feet;  
thence North 01°26'49" West along the west line of said Lot 1, 650.36 feet;  
thence North 86°45'10" West along the south line of said Lot 1, 747.42 feet to a point in the east right-of-way line of State Trunk Highway 78;  
thence North 11°58'48" East along the east right-of-way line of State Trunk Highway 78, 128.02 feet;  
thence North 07°27'18" East along the east right-of-way line of State Trunk Highway 78, 280.05 feet;  
thence North 17°30'52" East along the east right-of-way line of State Trunk Highway 78, 190.37 feet;  
thence North 25°11'13" East along the east right-of-way line of State Trunk Highway 78, 309.22 feet;  
thence North 26°13'14" East along the east right-of-way line of State Trunk Highway 78, 355.35 feet;  
thence South 63°10'12" East along the east right-of-way line of State Trunk Highway 78, 27.99 feet;  
thence North 26°25'40" East along the east right-of-way line of State Trunk Highway 78, 152.17 feet to the point of beginning.

Also:

Being a part of the Northeast Quarter of the Southwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 35, Town 8 North, Range 6 East, Town of Black Earth, Dane County, Wisconsin described as follows:

Beginning at a point where the East - West Quarter line of said Section 35 intersects the westerly right-of-way line of State Trunk Highway 78;  
thence southwesterly along the westerly right-of-way line of State Trunk Highway 78 to a point in the northerly line of Lot 1, Certified Survey Map, No. 4642;  
thence westerly along the northerly line of Lot 1, Certified Survey Map, No. 4642, to the most northwesterly corner thereof;  
thence southwesterly along the northerly line of Lot 1, Certified Survey Map, No. 4642, 320 feet more or less;  
thence southwesterly along the northerly line of Lot 1, Certified Survey Map, No. 4642, 89 feet more or less;  
thence westerly along the north line of Lot 1, Certified Survey Map, No. 4642 to a point in the centerline of Vermont Creek;  
thence northeasterly and northerly along the centerline of Vermont Creek to a point in the East - West Quarter line of said Section 35;  
thence east along the East - West Quarter line of said Section 35 to the point of beginning.

THIS DESCRIPTION WAS PREPARED BY:

GROTHMAN & ASSOCIATES, S.C.  
JAMES R. GROTHMAN  
Registered Land Surveyor, No. 1321  
Dated: July 28, 2004  
File No.: 604-489

THIS DESCRIPTION WAS PREPARED FOR:

Daniel Heffron  
2000 Prairie Street, Suite 100  
Prairie du Sac, WI 53578

RECEIVED  
AT  
DHIR

AUG -5 04

Monday, August 02, 2004

Annexation Review  
Department of Administration  
101 East Wilson Street  
Madison, WI 53702

Enclosed please find petition for annexation to Village of Black Earth and  
check for \$900.00

My contact information:

The Heffron Company, Inc  
Daniel R. Heffron, President  
608-644-3902  
dan@heffrongroup.com  
2000 Prairie Street, Prairie du Sac, WI 53578

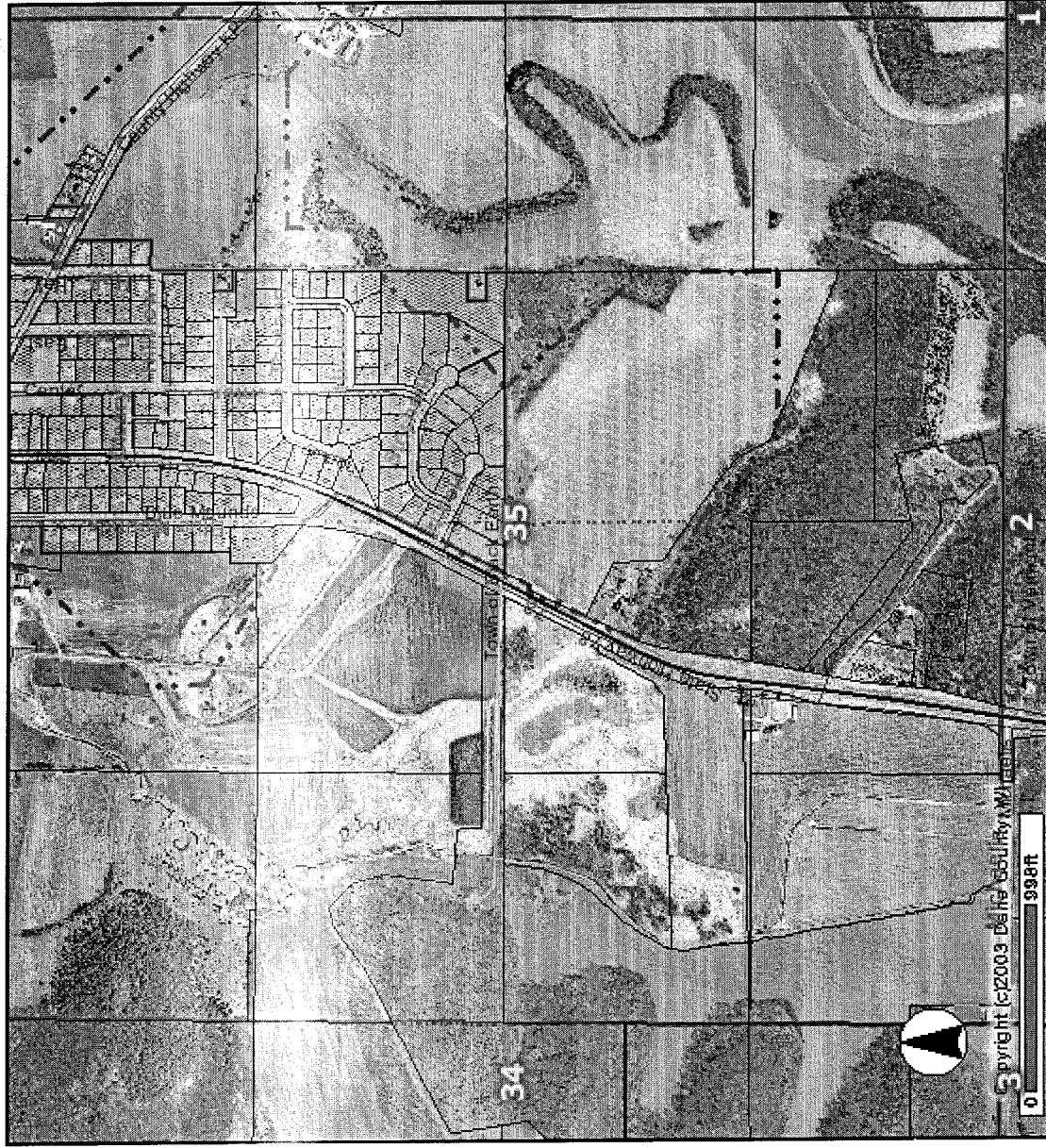
Dear To Whom it May Concern:

Sincerely,

  
Daniel R. Heffron

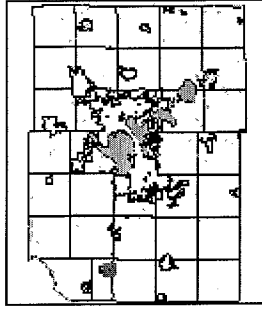


# Handel et al. annex



Print Close

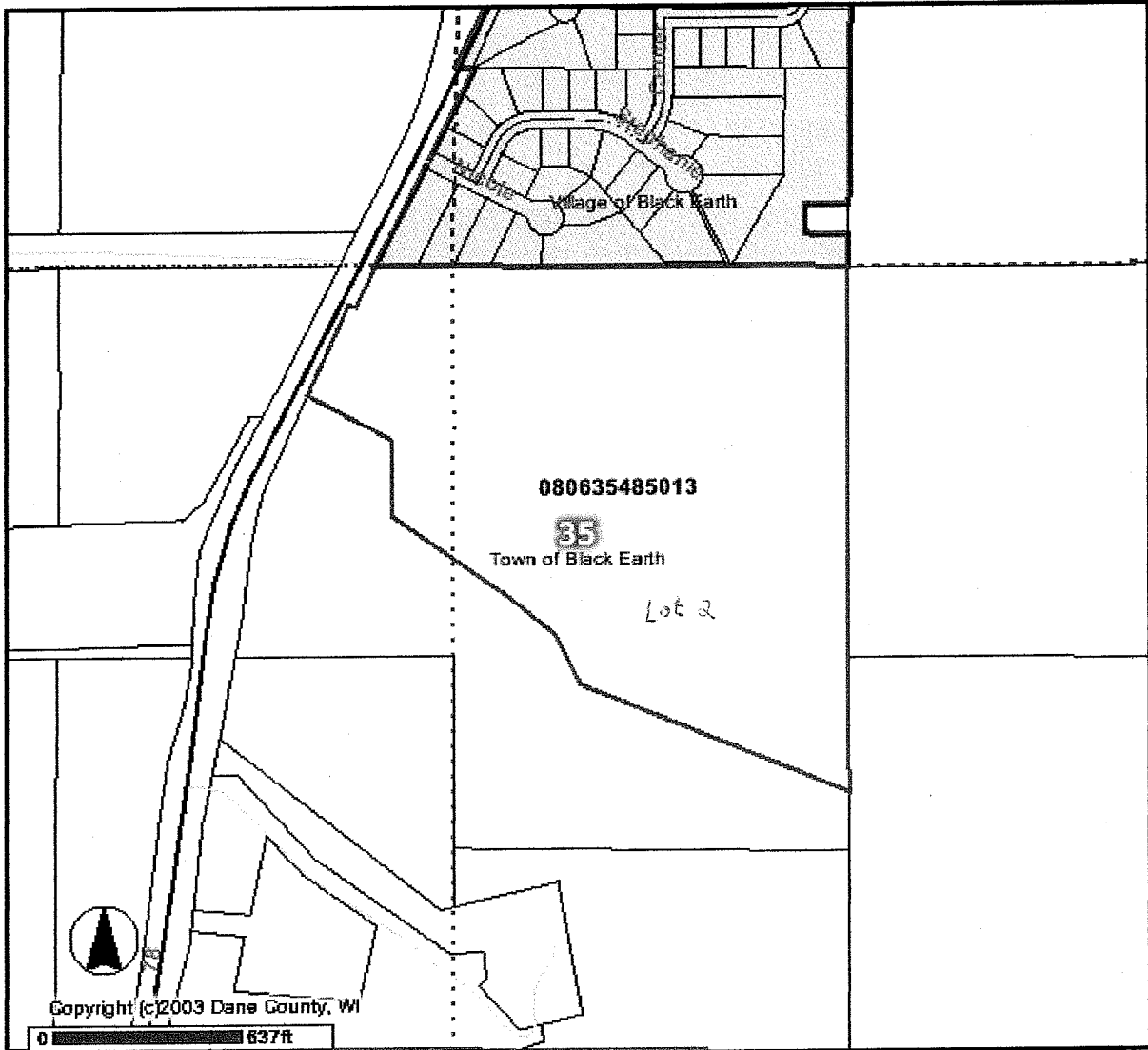
- 2000 Roads
- Local Roads
- County Highways
- State Highways
- Interstate
- US Highway
- On/Off ramps
- Parcels
- Highway
- 2000 Roads
- Urban Service Areas
- Municipality Boundaries
- 1995 Hydrology
- Open Water
- PLSS Quarter-Sections
- PLSS Sections
- PLSS Townships
- Municipalities
- Lakes
- CITY of Madison
- Chlor
- Villages
- Towns
- 2000 Orthos - 1 foot



### DISCLAIMER

This map was prepared using the Dane County DCIMap online geographic information system. All information is believed accurate but is NOT guaranteed to be without error. This map and its underlying data is intended to be used as a general index to land related information and is not intended for detailed, site-specific analysis. Dane County GIS datasets used to produce this map are copyrighted.

### Dane County DCiMap



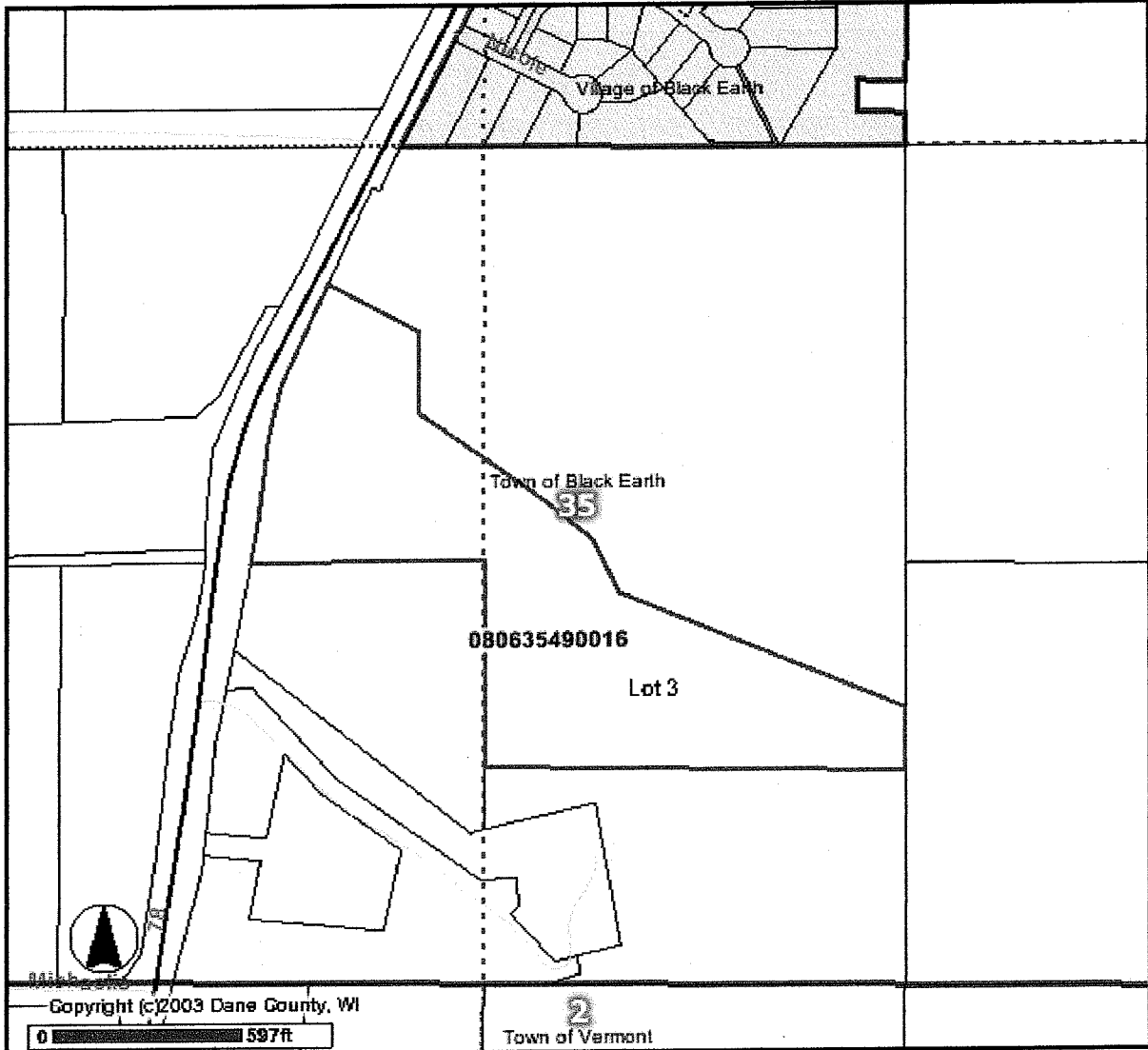
Copyright (c) 2003 Dane County, WI

0 637ft

This block contains a legend with various symbols for different map features such as roads, water, and land parcels. Below the legend is a disclaimer:

**DISCLAIMER**  
 This map is not a survey. It is a geographic information system (GIS) map. It is not intended to be used for legal purposes. It is not a substitute for a professional survey. It is not a substitute for a professional engineer's or architect's work. It is not a substitute for a professional geologist's work. It is not a substitute for a professional geotechnical engineer's work. It is not a substitute for a professional geotechnical engineer's work. It is not a substitute for a professional geotechnical engineer's work.

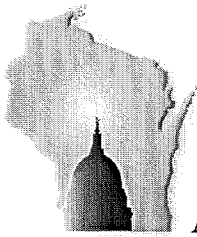
### Dane County DCiMap



This block contains a legend and navigation tools:

- Legend:** A vertical column of symbols representing different map features such as roads, water bodies, and land parcels.
- North Arrow:** A circular symbol with an arrow pointing upwards, indicating the orientation of the map.

**DISCLAIMER**  
This map  
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**WISCONSIN DEPARTMENT OF  
ADMINISTRATION**

**JIM DOYLE**  
GOVERNOR

**MARC J. MAROTTA**  
SECRETARY

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

August 9, 2004

PETITION FILE NO. 12380

LINDA J. CORY, CLERK  
VILLAGE OF BLACK EARTH  
PO BOX 347  
BLACK EARTH, WI 53515-0347

BARBARA PARRELL, CLERK  
TOWN OF BLACK EARTH  
1704 BLUE MOUNDS ST  
BLACK EARTH, WI 53515-9309

Subject: HANDEL ET AL 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 Black Earth to the Village of Black Earth (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. Our reply must be prepared within a very limited statutory deadline. Please return the questionnaire no later than August 20, 2004 so that the information can be reviewed prior to the department's statutory deadline of August 25, 2004. Direct any questions and comments to Erich Schmidtke at (608) 264-6102 or George Hall at (608) 266-0683.

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.

Enclosed please also find a copy of the petition, legal description, and scale map submitted by petitioners as well as two color maps made by the Department using Dane County's internet mapping resource. Petitioners' scale map does not include the boundaries of the annexing jurisdiction as required by section 66.0217(1)(g), Wis.Stats. Customarily the Department would put its review of this annexation on hold until a revised and compatible map was provided. However, Dane County's web site offers certified survey map searches, so Department staff was able to avoid putting the annexation on hold and instead created a map showing village boundaries in relation to the annexation territory. The map shows that the annexation territory is contiguous to the village along the territory's entire northern boundary. However, while there are no problems with contiguity, Department staff was unable to locate Lot 1 of CSM 5696 though it did find Lot 3 (see enclosed map). Also, the boundaries for Lot 2 appear different than those of the scale map provided by petitioner. These apparent incongruities may need to be addressed by petitioner and the village.

For additional information on annexation or other land use issues, visit our web site at [www.doa.wi.gov](http://www.doa.wi.gov) and type 'annexation' in the search box.

Sincerely,

Erich Schmidtke

Enclosures

RECEIVED  
AT  
DHIR

PETITION # 12380

AUG 24 04

ANNEXATION REVIEW QUESTIONNAIRE

MUNICIPAL BOUNDARY REVIEW

1. Territory to be annexed: \_\_\_\_\_ From Town of: Black Earth To City/Village of: Black Earth

2. Area (Acres): ≈ 107 Approx. Equalized (full) value: Land: \$ 117,800 Improvements: \$ 98,400

3. Property Tax Payments **OR** Boundary Agreement (circle one)

a. Annual town property tax on territory to be annexed: 3457.32 a. Title of boundary agreement \_\_\_\_\_

b. Total that will be paid to Town (annual tax multiplied by 5 years): 17286.60 b. Year adopted \_\_\_\_\_

Paid by: Petitioner c. Participating jurisdictions \_\_\_\_\_

City/Village (circle one) d. Statutory authority (circle one)

Other \_\_\_\_\_ 66.0307 66.0225 66.0301

4. Approximate present land use of territory: \_\_\_\_\_ Resident Population: \_\_\_\_\_

Undeveloped: 98 % Residential 3 % Electors: 4

Commercial: \_\_\_\_\_ % Recreational \_\_\_\_\_ % Total: 5

Industrial: \_\_\_\_\_ %

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

Commercial: \_\_\_\_\_ % Residential 95 % Other: \_\_\_\_\_

Industrial: \_\_\_\_\_ % Recreational 5 %

Comments: Environmental Consideration

6. Has a preliminary \_\_\_ or final \_\_\_ plat been submitted to the Plan Commission: \_\_\_ Yes  No

7. What is the nature of land use adjacent to this territory in the city or village?:

Residential

In the town?: Ag / Undeveloped, Productive Forest, Other

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

Sanitary sewer  Police/Fire protection \_\_\_\_\_

Water supply  EMS \_\_\_\_\_

Storm sewers  Zoning \_\_\_\_\_

Other \_\_\_\_\_

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

If yes, approximate time table for providing service:	City/Village	Town
<u>Sanitary Sewers</u> immediately or, write in number of years.	<u>Immed.</u>	<u>/</u>
<u>Water Supply</u> immediately, or, write in number of years.	<u>Immed.</u>	<u>/</u>

Will provision of sanitary sewers and/or water supply to the territory proposed for annexation require capital expenditures (i.e. treatment plant expansion, new lift stations, interceptor sewers, wells, water storage facilities)?  
 Yes \_\_\_ No. If yes, identify the nature of the anticipated improvements and their probable costs:  
Upgraded w/f Stations & new interceptors = cost \$ Two hundred eighty eight thousand.

10. Parks and Recreation:

Total acreage: ~ 1.0 Annual park program appropriation: \$ ---

Describe proximity of parks from annexation territory:  
Within the annexed territory will be park space.

11. Schools:

What school district(s) serve the territory to be annexed? Wisconsin Heights  
School District

12. Planning:

1. Do you have a comprehensive plan for the City/Village/Town?  Yes \_\_\_ No  
If yes, when was it prepared? August 1994 When Updated? 6.28.04  
Who prepared the plan? Staff of the Dane County Regional Plan Commission

2. Annual appropriation for planning? \$ 7,500-

3. How is the annexation territory now zoned? A-2, RH-4, A-1EX

4. How will the land be zoned and used if annexed? Single Family zero lot line. Multi Family

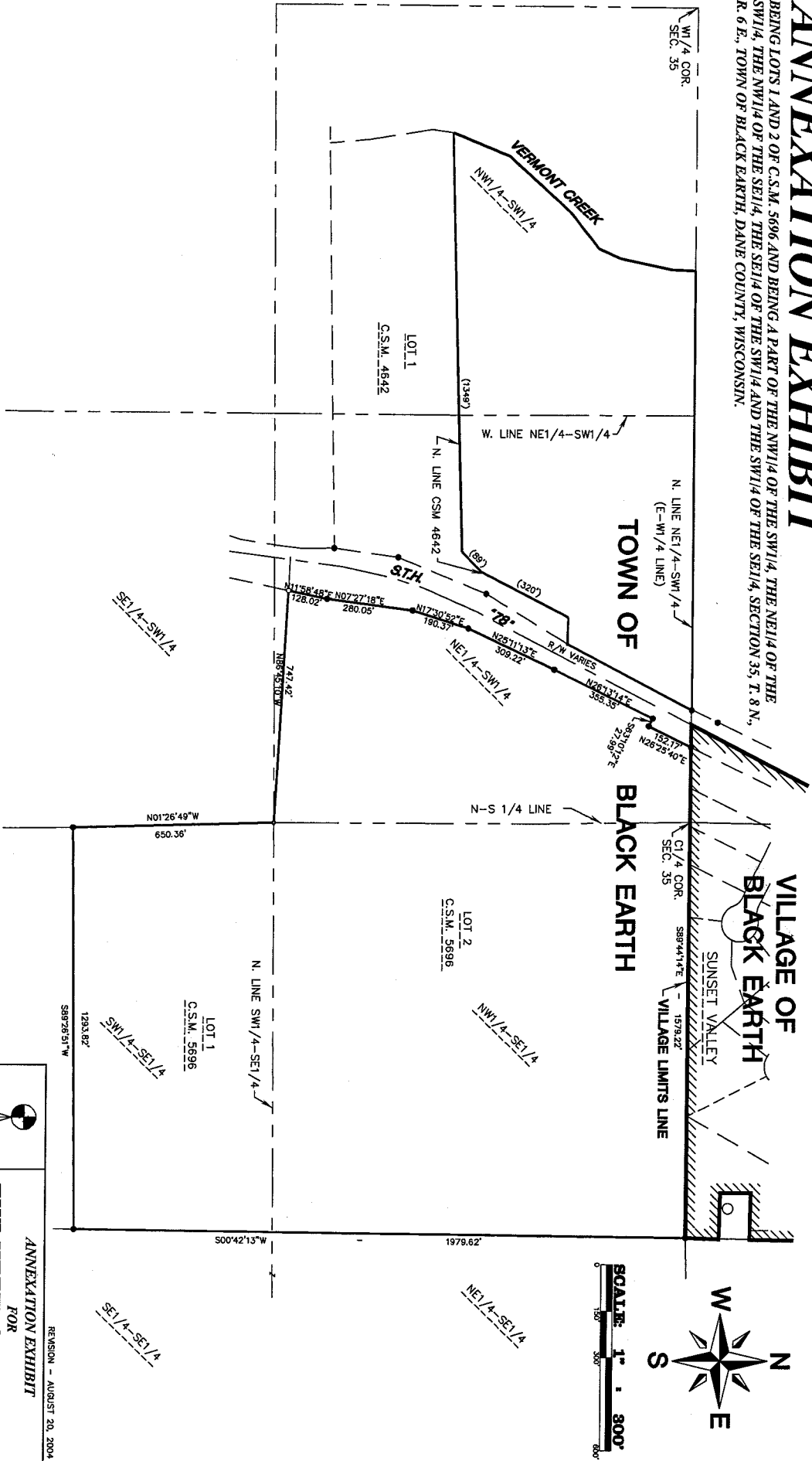
14. Other relevant information and comments bearing upon the public interest in the annexation:

Prepared by: Tina A. Butteris  
Title: Clerk-Treasurer  
Phone: 608-767-2563 ext. 222  
Date: 8.04

Please RETURN PROMPTLY to:  
Division of Intergovernmental Relations  
Municipal Boundary Review  
101 E. Wilson Street, 10<sup>th</sup> Floor  
Madison, WI 53702-0001


# ANNEXATION EXHIBIT

BEING LOTS 1 AND 2 OF C.S.M. 5696 AND BEING A PART OF THE NW1/4 OF THE SW1/4, THE NE1/4 OF THE SW1/4, THE NW1/4 OF THE SE1/4, THE SE1/4 OF THE SW1/4 AND THE SW1/4 OF THE SE1/4, SECTION 35, T. 8 N., R. 6 E., TOWN OF BLACK EARTH, DANE COUNTY, WISCONSIN.

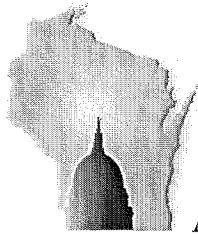


AS PREPARED BY: **GROTHMAN AND ASSOCIATES, S.C.** P.O. BOX 373 625 E. SLIFER ST. PORTAGE, WI. 53901

PROJ. 604-489 DWG. 604-489 ANNEX THIS INSTRUMENT DRAFTED BY JERON ABERGLEN

 <p><b>G&amp;A</b></p>	<p>ANNEXATION EXHIBIT</p> <p>FOR</p>	
	<p><b>THE HEFFRON CO. INC.</b></p>	
<p>TOWN OF BLACK EARTH</p> <p>DANE COUNTY, WISCONSIN</p>		
<p>GROTHMAN &amp; ASSOC. S.C.</p> <p>P.O. BOX 373 625 E. SLIFER ST. PORTAGE, WI. 53901</p>	<p>FILE NO.</p> <p>604-489</p>	<p>SHEET</p> <p>1 OF 1</p>

REVISION - AUGUST 20, 2004



**WISCONSIN DEPARTMENT OF  
ADMINISTRATION**

**JIM DOYLE**  
GOVERNOR

**MARC J. MAROTTA**  
SECRETARY

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

August 27, 2004

DOA PETITION FILE NO. 12380

LINDA J. CORY, CLERK  
VILLAGE OF BLACK EARTH  
PO BOX 347  
BLACK EARTH, WI 53515-0347

BARBARA PARRELL, CLERK  
TOWN OF BLACK EARTH  
1704 BLUE MOUNDS ST  
BLACK EARTH, WI 53515-9309

Subject: HANDEL ET AL ANNEXATION

The proposed annexation submitted to our office on August 5, 2004, has been reviewed and found to be in the public interest.

The subject petition is for territory that is reasonably shaped and *nearly* contiguous to the Village of Black Earth. As petitioner's map is drawn, the parcel west of STH 78 is separated from the easterly parcel (that is contiguous) by STH right-of-way, and is not contiguous to the village as petitioned. Also STH 78 right-of-way has been omitted from the parcels to the north that were previously annexed. I recommend including the portion of the STH 78 right-of-way separating the two petitioned parcels, as well as all of the right-of-way to the north that is currently *not in the village*. *International Paper v Fond du Lac* (citation omitted) provides that highway right-of-way may be included in unanimous consent petitions in order for the annexation to comply with the "rule of reason." You should include a revised description of the necessary right-of-way in the map and legal description accompanying the annexation ordinance. Please have your municipal attorney or engineer call me (608-266-0683) to confirm the need to include this right-of-way.

In addition, the village may want to consult with WisDOT District 1 (246-3800, ask for the director of planning) and discuss potential access controls for any intersecting streets – any subdivision proposed for this annexation will need to take direct access from the state trunk highway. Has the village adopted an "official map" that describes a future internal circulation system of arterial and collector streets – if not, one should be developed and adopted.

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..."

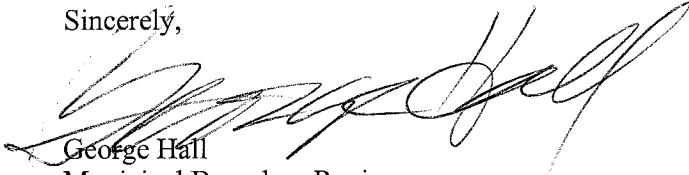
State and federal aids based on population and equalized value may be significantly affected through failure to file with the Secretary of State. Please file a copy of your annexing ordinance, including a statement certifying the population of the annexed territory. The address of the Office of the Secretary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

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

LINDA J. CORY, CLERK  
BARBARA PARRELL, CLERK  
September 26, 2004  
Page 2

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,

A handwritten signature in black ink, appearing to read "George Hall", written over a faint, illegible typed name.

George Hall  
Municipal Boundary Review

Enclosure