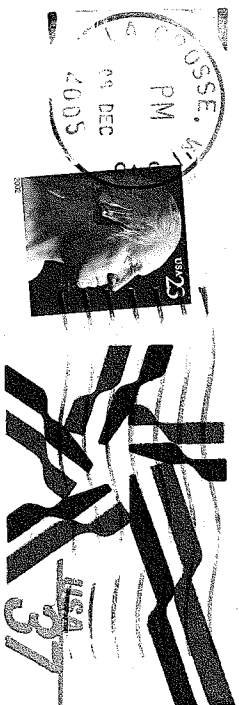
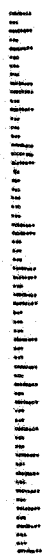


Village Clerk
Village of Holmen
P. O. Box 158
Holmen, WI 54636-0158

Mr. George Hall, Director
Municipal Boundary Review
Department of Administration
P.O. Box 1645
Madison, WI 53701-1645

53701+1645



Request for Annexation Review

Wisconsin Department of Administration

Division of Intergovernmental Relations

Municipal Boundary Review

Shipping Address: 101 E. Wilson Street, 10th Floor
Madison, WI 53702-0001

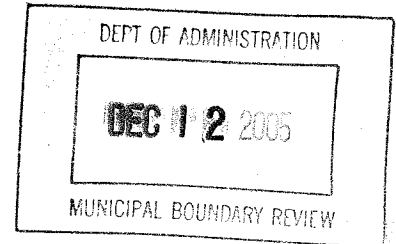
Mailing Address: PO Box 1645
Madison, WI 53701-1645

Phone: 608-266-0288 Fax: 608-266-5519

E-mail: George.Hall@doa.state.wi.us

Petitioner's Name and Address

Office use only:



Larry Brueske
dlbla Brueske Homes Inc.
1315 3rd Ave N.
Onalaska, WI 54650

1. Town where property is located Holland
2. Petitioned ~~City or~~ Village of Holmen
3. County where property is located La Crosse
4. Population of the territory to be annexed -0-
5. Area (in acres) of the territory to be annexed 76.91

608-781-3305

Petitioner's phone #

608-526-3354

Town Clerk's phone #

608-526-4160

City/Village Clerk's phone #

Contact Information if different than petitioner:

Representative's Name and Address:

Phone _____

E-mail _____

Surveyor or Engineering Firm's Name and Address:

Berg Enterprises
W 7463 Sylvester Rd
Holmen, WI 54636

Phone 608-526-9248

E-mail _____

Required Items to be provided with submission (to be completed by petitioner):

1. Legal Description meeting the requirements of s.66.0217 (c)..... ☒
2. Map meeting the requirements of s. 66.0217 (g)
 - Includes delineating boundary of the annexing city or village on the map..... ☒
 - Territory is contiguous to city or village..... ☒
3. Petition or Notice of Intent to Circulate..... ☒
4. Statutory method used?
 - Unanimous s. 66.0217 (2), or,..... ☒
 - Direct by one-half approval s. 66.0217 (3)..... ☐
5. Check or money order covering Department of Administration annexation fee..... ☒

Annexation Review Fee Schedule

A Guide for Calculating the Fee Required by ss.16.53 (4) and 66.0217, Wis. Stats.

Required Fees

There is an initial filing fee and a variable acreage fee

Initial Filing Fee*..... \$200 \$ 200.

*NOTE: The \$200 initial filing fee is required with the first submittal of the petition, only.

Acreage Fee..... \$ 500.

Less than 2 acres.....	\$200
2.01 to 10 acres.....	\$300
10.01 to 50 acres.....	\$400
50.01 to 100 acres.....	\$500
100.01 to 200 acres.....	\$700
200.01 to 500 acres.....	\$1000
Over 500 acres.....	\$2000

TOTAL FEE DUE (Add the Filing Fee to the Acreage Fee)..... \$ 700.

Attach check or money order here, payable to: Department of Administration

**THE DEPARTMENT IS PROHIBITED FROM PROCESSING
AN ANNEXATION PETITION THAT IS NOT ACCOMPANIED
BY THE REQUIRED FEE.**

Office use only:

Date that petition and fee was received _____ Amount \$ _____

Time limit expires _____ Assigned file number _____

BY: _____	Questionnaire sent to: _____
	Town of _____ City/Village of _____
	County Notification _____ DATE _____

JOHN CHAPMAN
VILLAGE PRESIDENT

CATHERINE SCHMIT
ADMINISTRATOR / CLERK

KAREN SPREUER
VILLAGE TREASURER

MICHAEL BROGAN
PARK & RECREATION
DIRECTOR
(608) 526-2152

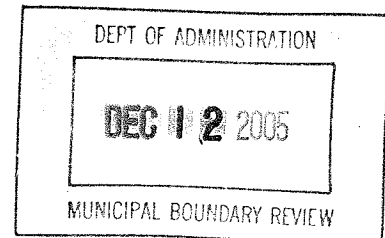
VILLAGE OF HOLMEN

421 S. Main Street
P.O. Box 158
Holmen, Wisconsin 54636-0158



ROBERT HAINES, PE
DIRECTOR OF PUBLIC WORKS
(608) 526-3513

November 9, 2005



Mr. George Hall, Director
Municipal Boundary Review
Department of Administration
PO Box 1645
Madison, WI 53701-1645

Dear Mr. Hall:

Enclosed herewith is an annexation petition from Brueske Homes Inc, requesting annexation to the Village for one (2) parcels currently located in the Township of Holland:

- 1) Parcels 8-1223-2 and 8-1223-3.

Please review this petition as required by State Statutes. Thank you.

Sincerely;

Catherine J. Schmit
Village Administrator/Clerk

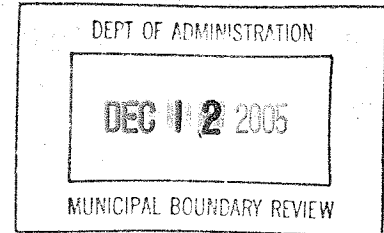
cc: Town of Holland
Holmen Area School District Clerk, 1019 McHugh Rd.

Village of Holmen, Annexation Petition

The undersigned, being all the electors and owners of all of the real property described below, do hereby petition the Village of Holmen for direct annexation of said described properties now located in the Town of Holland in La Crosse County, Wisconsin, to said Village of Holmen pursuant to Wisconsin Statutes, Sec. 66.021. This land is contiguous to the Village of Holmen limits and is described as follows:

Description of property:

See Attachment 'A'

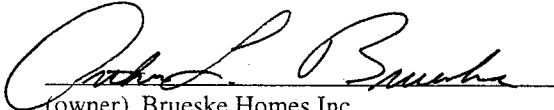


Tax Parcel No(s): 8-1223-2 and 8-1223-3

The current County zoning on this parcel is as follows: Ag

The current population of the territory affected by this petition is 0.

Dated this 22nd day of Nov., 2005.

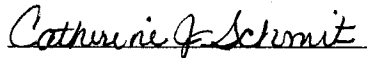

(owner) Brueske Homes Inc.

(owner)

Owners Address: 1315 3rd Ave N
Onalaska, WI 54650

State of Wisconsin }
 } Ss.
County of LaCrosse }

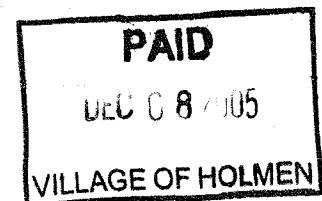
Personally came before me this 22nd day of November, 2005,
Arthur L. Brueske, to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.



Notary Public, State of Wisconsin
My Commission Expires: 5-4-2008

Send to: Village Clerk Village of Holmen, PO Box 158 Holmen WI 54636-0158
Township Clerk
Dept. of Administration, Geo. Hall, Dir., Boundary Review, PO BOX 7868, Madison, WI 53707-7868
School District Clerk, (If annexation affects district)

Fee: \$275.00



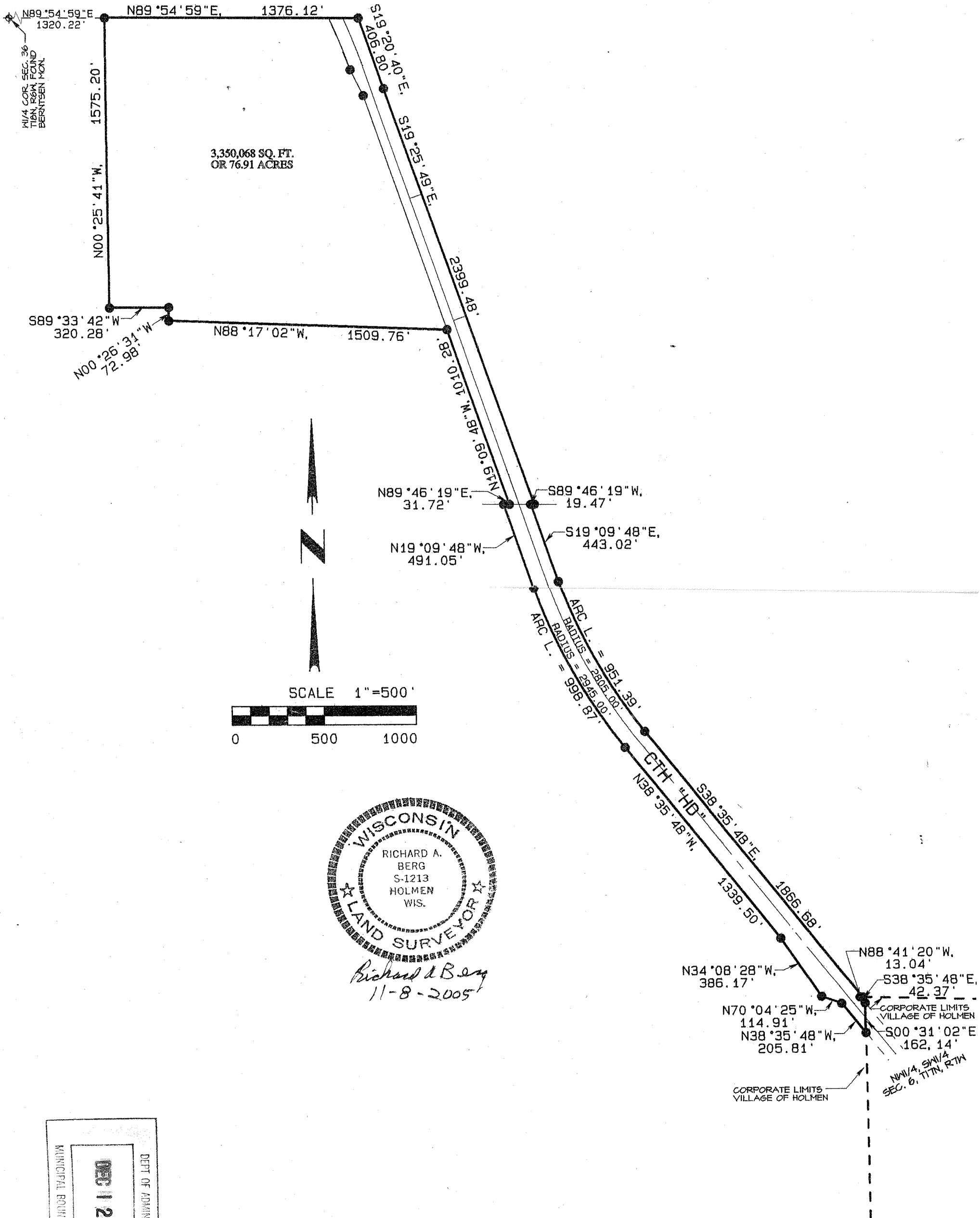
Attachment 'A'

DESCRIPTION OF PARCEL OF LAND TO BE ANNEXED TO THE VILLAGE OF HOLMEN, WISCONSIN

PART OF THE NE1/4 OF THE SE1/4, AND PART OF THE SE1/4 OF THE NE1/4, AND PART OF THE NE1/4 OF THE NE1/4, AND PART OF THE NW1/4 OF THE NE1/4 OF SECTION 1, T17N, R8W, AND PART OF THE SW1/4 OF THE SE1/4, AND PART OF THE NW1/4 OF THE SE1/4, AND PART OF THE NE1/4 OF THE SW1/4 OF SECTION 36, T18N, R8W, LACROSSE COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS: COMMENCING AT THE WEST QUARTER CORNER OF SECTION 36, T18N, R8W; THENCE N89°54'59"E, 1320.22 FEET TO THE NORTHWEST CORNER OF THE NE1/4 OF THE SW1/4 OF SAID SECTION 36, ALSO BEING A POINT ON THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 53, AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE N89°54'59"E, 1376.12 FEET ALONG THE NORTH LINE OF THE NE1/4 OF THE NW1/4, AND ALONG THE NORTH LINE OF THE NW1/4 OF THE SE1/4 OF SECTION 36, TO THE EASTERLY RIGHT-OF-WAY LINE OF COUNTY HIGHWAY HD; THENCE S19°20'40"E, 406.80 FEET ALONG SAID EASTERLY RIGHT-OF-WAY LINE; THENCE S19°25'49"E, 2399.48 FEET ALONG SAID RIGHT-OF-WAY LINE; THENCE S89°46'19"W, 19.47 FEET ALONG SAID RIGHT-OF-WAY LINE; THENCE S19°09'48"E, 443.02 FEET ALONG SAID RIGHT-OF-WAY LINE; THENCE SOUTHEASTERLY ALONG SAID RIGHT-OF-WAY LINE, 951.39 FEET ALONG THE ARC OF A 2805.00 FOOT RADIUS CURVE, CONCAVE TO THE NORTHEAST, THE CHORD OF WHICH BEARS S28°52'48"E, AND MEASURES 946.83 FEET; THENCE S38°35'48"E, 1866.68 FEET ALONG SAID RIGHT-OF-WAY LINE; THENCE N88°41'20"W, 13.04 FEET ALONG SAID RIGHT-OF-WAY LINE; THENCE S38°35'48"E, 42.37 FEET ALONG SAID RIGHT-OF-WAY LINE, TO THE WEST LINE OF THE NW1/4 OF THE SW1/4 OF SECTION 6, T17N, R7W; THENCE S00°31'02"E, 162.14 FEET ALONG THE WEST LINE OF THE NW1/4 OF THE SW1/4 OF SECTION 6, T17N, R7W, TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF COUNTY HIGHWAY HD; THENCE N38°35'48"W, 205.81 FEET ALONG SAID RIGHT-OF-WAY LINE; THENCE N70°04'25"W, 114.91 FEET ALONG SAID RIGHT-OF-WAY LINE; THENCE N34°08'28"W, 386.17 FEET ALONG SAID RIGHT-OF-WAY LINE; THENCE N38°35'48"W, 1339.50 FEET ALONG SAID RIGHT-OF-WAY LINE; THENCE NORTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE, 998.87 FEET ALONG THE ARC OF A 2945 FOOT RADIUS CURVE, CONCAVE TO THE NORTHEAST, THE CHORD OF WHICH BEARS N28°52'48"W, AND MEASURES 994.09 FEET; THENCE N19°09'48"W, 491.05 FEET ALONG SAID RIGHT-OF-WAY LINE; THENCE N89°46'19"E, 31.72 FEET ALONG SAID RIGHT-OF-WAY LINE; THENCE N19°09'48"W, 1010.28 FEET ALONG SAID RIGHT-OF-WAY LINE; THENCE N88°17'02"W, 1509.76 FEET; THENCE N00°26'31"W, 72.98 FEET; THENCE S89°33'42"W, 320.28 FEET, TO THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 53; THENCE N00°25'41"W, 1575.20 FEET ALONG SAID RIGHT-OF-WAY LINE, TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

Richard A. Berg
11-8-2005

SKETCH OF PROPERTY PROPOSED TO BE ANNEXED
TO THE VILLAGE OF HOLMEN





JIM DOYLE
GOVERNOR

STEPHEN BABLITCH
SECRETARY

Division of Intergovernmental Relations
101 E. Wilson Street, 10th Floor
Madison, WI 53702-0001
(608) 264-6102, Fax (608) 267-6917
<http://www.doa.wi.gov/>

December 13, 2005

PETITION FILE NO. 12770

CATHERINE SCHMIT, CLERK
VILLAGE OF HOLMEN
PO BOX 158
HOLMEN, WI 54636

MARILYN PEDRETTI, CLERK
TOWN OF HOLLAND
W7937 COUNTY RD MH
HOLMEN, WI 54636

Subject: BRUESKE HOMES INC 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 HOLLAND to the Village of HOLMEN (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 December 28, 2005 so that the information can be reviewed prior to the department's statutory deadline of January 3, 2006. Direct any questions and comments to Erich Schmidtke at (608) 264-6102 or George Hall at (608) 266-0683. Thank you for your cooperation.

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

Sincerely,

Erich Schmidtke

Enclosures



JOHN CHAPMAN
VILLAGE PRESIDENT

CATHERINE SCHMIT
ADMINISTRATOR / CLERK

KAREN SPREUER
VILLAGE TREASURER

MICHAEL BROGAN
PARK & RECREATION
DIRECTOR
(608) 526-2162

VILLAGE OF HOLMEN

421 S. Main Street

P.O. Box 158

Holmen, Wisconsin 54636-0158



ROBERT HAINES, PE
DIRECTOR OF PUBLIC WORKS
(608) 526-3513

FAX COVER SHEET

PAGES INCLUDING COVER SHEET 3

DATE: 12/14/05 TIME: 4:15 PM

TO: Erich Schmidtke
CO: WI Dept. of Admin.

FROM: CATHERINE SCHMIT
ADMINISTRATOR/CLERK
VILLAGE OF HOLMEN

DEPT: Municipal Boundary Review

FAX #: (608) 526-4357

FAX #: 608-267-6917

TELEPHONE #: (608) 526-4336

COMMENTS:

Annexation
Petition 12770

The documents accompanying this fax transmission may contain information, which may be confidential and/or privileged. This information is intended for the use of the individual or entity named on this transmission sheet. Copying, distribution or use of the contents of this information may be prohibited and may constitute an invasion of the privacy of the intended recipient. If you have received this fax in error, please notify us by telephone (collect) immediately so that we can arrange for the retrieval of the document at no cost to you.

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE NOTIFY THE SENDER IMMEDIATELY.

SENDER: Catherine

ORIGINAL TO FOLLOW BY FIRST CLASS MAIL? YES X NO

PETITION # 12770**ANNEXATION REVIEW QUESTIONNAIRE****MUNICIPAL BOUNDARY REVIEW**

1. Territory to be annexed: Parcels 8-1223-2 and 8-1223-3 From Town of: Holland To City/Village of: Holmen

2. Area (Acres): 76.91 Approx. Equalized (full) value: Land: \$ 16800 . Improvements: \$

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

<p>a. Annual town property tax on territory to be annexed: <u>\$11.73</u></p> <p>b. Total that will be paid to Town (annual tax multiplied by 5 years): <u>\$58.65</u></p> <p>c. Paid by: <u>Petitioner</u> <u>City/Village</u> (circle one) Other</p>	<p>a. Title of boundary agreement _____</p> <p>b. Year adopted _____</p> <p>c. Participating jurisdictions _____</p> <p>d. Statutory authority (circle one) 66.0307 66.0225 66.0301</p>
--	--

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

Undeveloped: <u>100</u> %	Residential _____ %	Electors: <u>0</u>
Commercial: _____ %	Recreational _____ %	Total: <u>0</u>
Industrial: _____ %		

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

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

Comments: Potential site for new community grade school.

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?:

Agricultural, Residential

In the town?: _____

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

Sanitary sewer <input checked="" type="checkbox"/>	Police/Fire protection <input checked="" type="checkbox"/>
Water supply <input checked="" type="checkbox"/>	EMS _____
Storm sewers <input checked="" type="checkbox"/>	Zoning _____
Other _____	

PETITION # 12770

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:

Sanitary Sewers immediately
or, write in number of years.

City/Village

☒

Town

Water Supply immediately,
or, write in number of years.☒

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: _____10. Parks and Recreation: n/a

Total acreage: _____

Annual park program appropriation: \$ _____

Describe proximity of parks from annexation territory: _____

11. Schools:

What school district(s) serve the territory to be annexed? Holmen

12. Planning:

1. Do you have a comprehensive plan for the City/Village/Town? ☒ Yes ☐ NoIf yes, when was it prepared? 12/2004

When Updated? _____

Who prepared the plan? Schreiber Anderson Assoc.2. Annual appropriation for planning? \$ -0-3. How is the annexation territory now zoned? Ag4. How will the land be zoned and used if annexed? Residential

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

Annexation is phase 1 of plan to provide utilities to properties adjacent to Hwy 35/HD and to nearby Commercial Park.

Preliminary plans also include possible construction of add'l community grade school on site. (per Holmen school board representative.)

Prepared by: Erich J. SchmitTitle: AdministratorPhone: 608-526-4336Date: 12-14-05

Please RETURN PROMPTLY to:

Municipal Boundary Review

101 E. Wilson Street, 10th Floor

Madison, WI 53702-0001

(608) 264-6102 (608) 267-6917 FAX

erich.schmidtko@doa.state.wi.us EMAIL

Schmidtke, Erich - DOA

From: Jeff Bluske [bluske.jeff@co.la-crosse.wi.us]
Sent: Friday, December 16, 2005 10:11 AM
To: Schmidtke, Erich - DOA
Cc: Ron Roth
Subject: RE: Brueske Homes Annexation

You are right about the balloon on a string on this one. Ron from my dept will send you a map file showing the corporate limits of Holmen in relation to this parcel. I talked to the Highway Commissioner who said he was never contacted about using the road for annexation.

*Jeff Bluske, Director
 County of LaCrosse
 Zoning, Planning and Land Information Dept
 400 4th ST N - Room 3170
 LaCrosse, WI 54601-3200
 e-mail: bluske.jeff@co.la-crosse.wi.us
 office: 608-785-9722 efax: 608-785-5922
 county website: www.co.la-crosse.wi.us for minutes, agendas & what's new*

Driven by Customers and Recognizing the Importance of People

From: Schmidtke, Erich - DOA [mailto:Erich.Schmidtke@Wisconsin.gov]
Sent: Wednesday, December 14, 2005 2:24 PM
To: Jeff Bluske
Subject: Brueske Homes Annexation

Jeff,
 Please find attached for your review the proposed Brueske Homes annexation from the Town of Holland to the Village of Holmen. Our review date January 3, **2006**.

It appears from petitioner's scale map that contiguity may be an issue. The map is not at a large enough scale to sufficiently show the village's existing boundaries in relation to the proposed annexation, however it appears that this proposed annexation may be a 'balloon on a string'. A balloon on a string annexation is one in which contiguity to the city or village depends on the use of road right-of-way. Wisconsin caselaw has held these types of annexations invalid because they create irrational municipal boundaries. Are there any larger scale maps that you have to help us better understand the village's existing boundaries?

Thanks,
 Erich

Erich Schmidtke
 Department of Administration
 Division of Intergovernmental Relations
 101 East Wilson, 10th Floor
 P.O. Box 8944
 Madison, WI 53708-8944

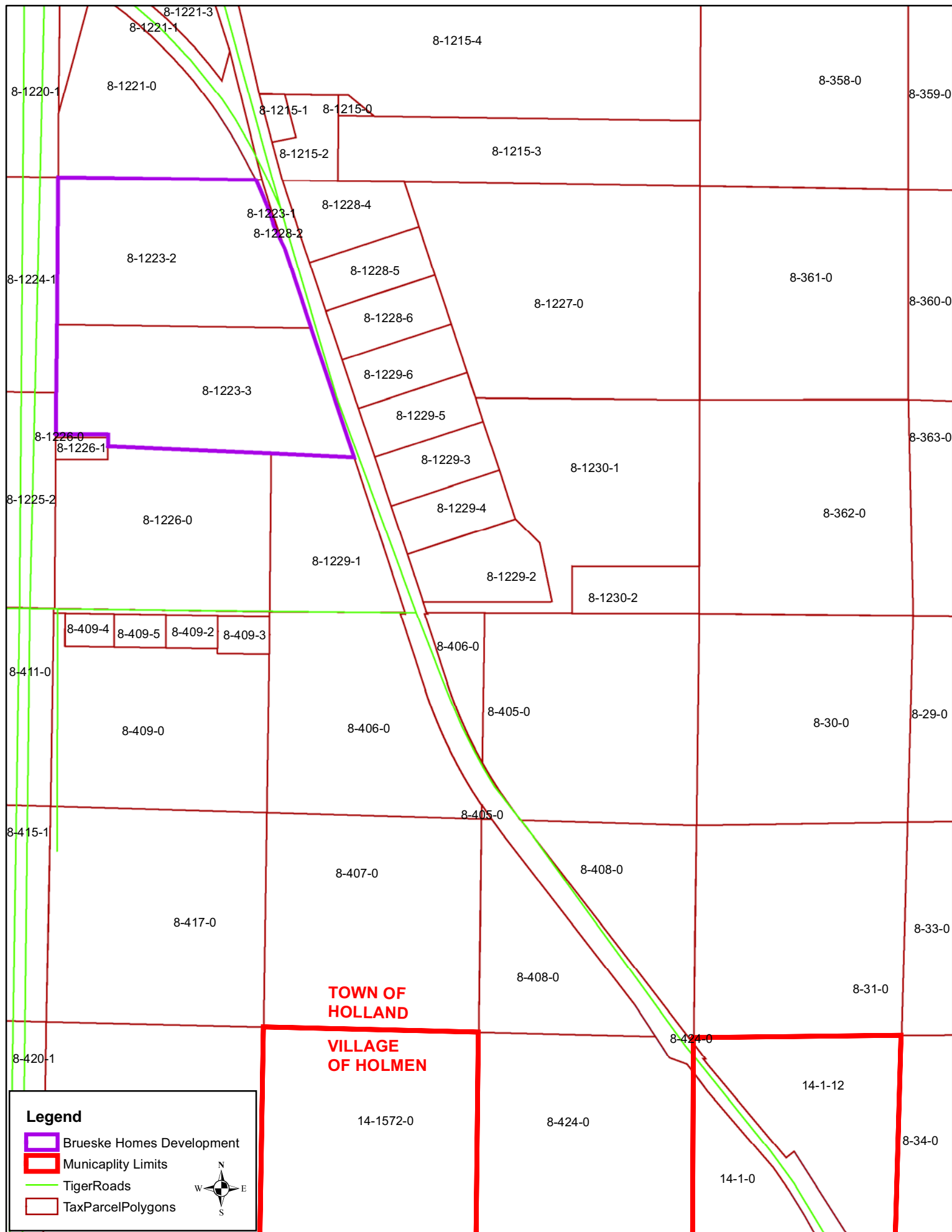
12/16/2005

(608) 264-6102

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12/16/2005



Story originally printed in the Holmen Courier or online at <http://www.holmencourier.com>

Annexation adds land on Holmen's north side

By RANDY ERICKSON/Editor

Holmen's long-term comprehensive plan, completed this year, predicted the village limits on the north eventually would reach to the junction of Highways 53 and 35. That prediction came true already last week.

At its monthly meeting Dec. 8, the Holmen Village Board approved an annexation of about 77 acres of land between the two highways about a mile and a half north of the existing village limits.

Larry Brueske of Onalaska-based Brueske Homes brought the annexation petition for the agriculturally zoned land, which is connected to the village by road right-of-way along Highway 35. The state requires that land to be annexed be contiguous, touching land already in the annexing municipality. Using road right-of-way to achieve contiguity is called a "balloon-on-a-string" annexation.

The state Department of Administration, which approves annexation petitions, discourages these types of annexations because they can lead to leapfrog development and convoluted municipal borders. But the biggest factor is whether the annexation is in the public interest, and Village President John Chapman said he believes the annexation is in the public interest.

"I think it fits into our long-range plan, both for the zoning and the direction we want to go," Chapman said.

While the annexation petition is for 77 acres, only 58 acres of that is developable. Brueske said Tuesday he was not ready to talk about his plans for the property.

Chapman said if the property was developed for housing, he estimated about three homes per acre could be built, which would be almost 180 new homes.

Developers pay for roads, sewer pipes and water mains, but the village will pay the cost of "oversizing" the pipes to ensure that they are sized for future development in the area.

In other business:

The board approved a rezoning request by Chuck Olson for land at 409 Second Ave E. from B-1 (Business District) to R-5, which allows multifamily residential projects. Olson said he was interested in building a senior housing project on the site, but plans have yet to be finalized.

The board approved a new employee and volunteer background check policy. "We've always had a

policy, this just formalizes it better,” said Trustee Joan Hauser, who chairs the board's Finance and Personnel Committee.

Contact Randy Erickson at randy.erickson@lee.net or 786-6812.

All stories copyright 2000, 2001, 2002, 2003 Holmen Courier and other attributed sources.

Schmidtke, Erich - DOA

From: Marilyn Pedretti [townofholland@msn.com]
Sent: Monday, December 19, 2005 5:06 PM
To: erich.schmidtke@doa.state.wi.us
Subject: Annexation: Brueske

RE: Annexation
Petitioner: Larry Brueske
Location: Town of Holland, Holmen (La Crosse County)

We understand that as a Town we cannot object to an annexation (Wis. State Statutes 66.0217(11)(c)). However, we feel you should be aware of two issues with the Brueske annexation:

1. We question the ownership of the land. Mr. Brueske does not officially own the property since it is under a land contract (3 years) with the owner Herbert Hanson. Should not the legal description be co-signed by the actual property owner?
2. The annexation would create a "balloon" effect and is not contiguous with the Village of Holmen. In addition, the connecting land between the proposed annexed territory and the Village of Holmen is owned by the County and is a proper right-of-way. We would question whether a mile string is in the best interest of planning and "public interest" as defined in Wis. State Statutes 66.0217(6)(c).

We ask that you take into consideration these two points when reviewing the Annexation Request of Mr. Brueske. Thank you.
George Hammes, Town Chairman

Marilyn J Pedretti
Town Clerk
Town of Holland
608-526-3354



Town of Holland

W7937 County Road MH, Holmen, WI 54636

Phone (608) 526-3354 • Fax (608) 526-6564

FAX COVER SHEET

To: Erich Schmidtke

From: Marilyn

Date: 12/21/05

Number of Pages (including cover sheet): 3

Notes:

PETITION # 12770ANNEXATION REVIEW QUESTIONNAIREMUNICIPAL BOUNDARY REVIEW

1. Territory to be annexed: Herb Hanson Property | From Town of: Holland | To City/Village of: Holmen

2. Area (Acres): 58 | Approx. Equalized (full) value: Land: \$ 9,885 | Improvements: \$ 0

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

a. Annual town property tax on territory to be annexed: <u>\$ 170</u>	a. Title of boundary agreement _____
b. Total that will be paid to Town (annual tax multiplied by 5 years): <u>850</u>	b. Year adopted _____
c. Paid by: Petitioner	c. Participating jurisdictions _____
City <u>Village</u> (circle one)	d. Statutory authority (circle one)
Other _____	66.0307 66.0225 66.0301

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

Undeveloped: <u>100</u> %	Residential <u>0</u> %	Electors: <u>0</u>
Commercial: <u>0</u> %	Recreational <u>0</u> %	Total: <u>0</u>
Industrial: <u>0</u> %		

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

Commercial: <u>0</u> %	Residential <u>100</u> %	Other: _____
Industrial: <u>0</u> %	Recreational <u>0</u> %	

Comments: _____

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

7. What is the nature of land use adjacent to this territory in the city or village?:
The Village is not adjacent.

In the town?: Agriculture

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

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

PETITION # 12770

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:

Sanitary Sewers immediately
or, write in number of years.

City/Village

Town

Water Supply immediately,
or, write in number of years.

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:

10. Parks and Recreation:

Total acreage: 30Annual park program appropriation: \$ 15,000

Describe proximity of parks from annexation territory:

1/4 mile to Bike trail
2 miles to 2 different parks

11. Schools:

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

12. Planning:

1. Do you have a comprehensive plan for the City/Village/Town?

☒ Yes ☐ NoIf yes, when was it prepared? 1994-97 When Updated? in processWho prepared the plan? Town of Holland with LaCrosse County2. Annual appropriation for planning? \$ 9,0003. How is the annexation territory now zoned? Agriculture (transitional)4. How will the land be zoned and used if annexed? Residential

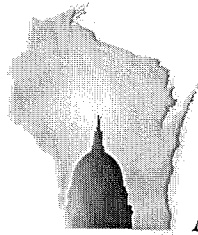
14. Other relevant information and comments bearing upon the public interest in the annexation:

We do not feel this is in the public's best interest. The "balloon on a string" creates loss of continuity. The County has not been asked to consent to using their right of way for this annexation - nor do we believe that would be a good policy to start.

Prepared by: Marilyn Pedretti
Title: Clerk - Town of Holland
Phone: 608-526-3354
Date: 12/20/05

Please RETURN PROMPTLY to:

Municipal Boundary Review
101 E. Wilson Street, 10th Floor
Madison, WI 53702-0001
(608) 264-6102 (608) 267-6917 FAX
erich.schmidtke@doa.state.wi.us EMAIL



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

JIM DOYLE
GOVERNOR

STEPHEN BABLITCH
SECRETARY

**Division of Intergovernmental Relations
Municipal Boundary Review**
101 E. Wilson Street, 10th Floor
Madison, WI 53702-0001
(608) 264-6102, Fax (608) 267-6917
<http://www.doa.wi.gov/>

January 12, 2006

DOA PETITION FILE NO. 12770

CATHERINE SCHMIT, CLERK
VILLAGE OF HOLMEN
PO BOX 158
HOLMEN, WI 54636

MARILYN PEDRETTI, CLERK
TOWN OF HOLLAND
W7937 COUNTY RD MH
HOLMEN, WI 54636

Subject: BRUESKE HOMES INC ANNEXATION

The proposed annexation submitted to our office on December 12, 2005, has been reviewed and found to be against the public interest for the reasons described below.

The Department's statutory (s. 66.0217 (6), Wis. Stats.) public interest review of annexations examines:

- The "shape of the proposed annexation and the homogeneity of the territory with the annexing village or city..." s. 66.0217 (6)(c) 2., Wis. Stats.
- "Whether governmental services, including zoning, to be supplied to the territory could clearly be better supplied by the town or by some other village or city whose boundaries are contiguous..." s. 66.0217 (6)(c) 1., Wis. Stats.

Based on petitioner's map and legal description, the subject petition is for territory that is not contiguous to the Village under the plain language of the annexation statute and interpretative case law. "Contiguity" is a basic tenant of annexation found in s. 66.0217, Wis. Statutes, in order to prevent "leap frog" annexation and reduce crazy-quilt jurisdictional boundaries by facilitating orderly annexation of territory.

In this instance, contiguity of the primary 76.91 acre parcel owned by Brueske Homes Inc. is achieved only by including County Highway HD road-right-of-way, currently under the jurisdiction of La Crosse County. This type of configuration is known as a "balloon on a string," and has been determined not to meet the minimum standard for contiguity established by the Wisconsin Supreme Court in *Town of Mt. Pleasant v. City of Racine*, 24 Wis.2d 41, 127 N.W.2d 757 (1964).

The Department has discussed the contiguity issue with Village staff who agree that the balloon on a string configuration is not ideal. However, staff believes that a number of factors mitigate this problematic configuration. First, the Village's comprehensive plan calls for eventual annexation and development of the area. Second, an elementary school will be constructed on part of the Brueske Homes parcel which will help address increased demand for school space by both Village and Town school school-age residents. Third, the Village has already been contacted by town residents along the County Highway HD corridor interested in annexation in order to obtain municipal water service. Therefore, the string part of the balloon may not remain a string for long, but instead could begin to fill in. Nonetheless, caselaw dictates an *against the public interest* finding because the petition as presented is clearly a balloon-on-a-string.

An alternative would be for the village to wait until these interested landowners also petition for annexation before adopting an annexation ordinance. This would eliminate the balloon-on-a-string problem altogether.

A complete alternative to annexation that would better ensure the orderly transfer of territory along County Highway HD to the Village would be a cooperative boundary agreement with the town under section 66.0307, Wis. Stats. While the annexation process is less predictable and places municipalities in a reactive stance, cooperative boundary agreements provide a more proactive opportunity. As part of a negotiated

cooperative boundary agreement the village and town could agree on which territory will transfer, when, how revenue might be shared, how services will be provided, and which land uses will be permitted, among other issues. The Department is available to meet with the village and town to discuss boundary agreements and respond to any questions.

Finally, the town has questioned whether Brueske Homes has the authority to petition for annexation because they are the vendee of a land contract for the territory rather than a fee simple owner. However, s. 66.0217(1)(d), Wis.Stats. defines an *Owner* of territory as including a land contract vendee. Therefore, because they are defined as an owner Brueske Homes is authorized to petition for annexation.

In the event that the Village adopts an annexation ordinance accepting this petition, the Department would like to remind the clerk of the requirements of s. 66.0217 (9)(a), Wis. Stats., which states:

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

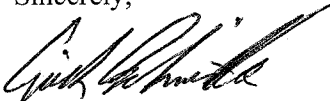
State and federal aids based on population and equalized value may be significantly affected through failure to file with the Secretary of State. Please file a copy of your annexing ordinance, including a statement certifying the population of the annexed territory. **Please also include the MBR number with your ordinance as this assists with record keeping. Your MBR number is: 12770**

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) 264-6102, should you have any questions concerning this annexation review letter.

Sincerely,



Erich Schmidtke
Municipal Boundary Review

Story originally printed in the Holmen Courier or online at <http://www.holmencourier.com>

Ruling: Balloon-on-string annexation not 'in public interest'

By RANDY ERICKSON/Editor

The state has given a thumbs-down to Holmen's 77-acre annexation of land in the town of Holland, but that doesn't mean it won't still happen.

In a letter dated Jan. 12, Erich Schmidtke of the state Department of Administration's Municipal Boundary Review department ruled that the annexation of land owned by Larry Brueske was "against the public interest." Schmidtke's ruling, however, is advisory and cannot in itself prevent the village from annexing the land.

In the past, towns that objected to annexations could use this kind of ruling to support court challenges against annexations, but a law passed in 2003 prevents towns from contesting annexations made through unanimous consent petitions. As Brueske was the sole petitioner, the law would prevent a town challenge.

Schmidtke's only objection to the annexation was its "balloon on a string" shape. The state requires that land to be annexed from a town to a city or village must be contiguous, or sharing a boundary already, but that is not the case with the Brueske annexation.

The Brueske property, which is near the junction of highways 35 and 53, is connected to the village only by nearly a mile of road right-of-way along Highway 35.

The state discourages balloon-on-a-string annexations because it can lead to irregular municipal boundaries, with pockets of town land surrounded by a larger municipality.

The state doesn't give findings of "against the public interest" often. Of 280 annexation petitions reviewed in 2005, only three had negative rulings, according to the Administration Department. In 2004, there were five negative rulings out of 260 annexation petitions.

Holmen Village Administrator Catherine Schmit said the village prefers not to do a balloon-on-a-string annexation but she predicted that the village's boundaries will become regular again in the long run.

"It's only to be a matter of a couple years and it's all going to fill in," Schmit said. "The village doesn't really like the balloon on a string either, but in this case we believe it's probably a short-term situation."

Schmit also said that municipal water will likely be necessary before the area will develop because of high nitrate levels in the groundwater.

Schmidtke's letter said village officials argued that several factors mitigate the irregular shape. For one thing, the village's comprehensive long-range plan calls for eventual annexation of the entire stretch of land along Highway 35. The Brueske property is at the far north edge of where the village plan foresees expansion in the next 20 years.

For another thing, the letter says, "an elementary school will be constructed on part of the Brueske Homes parcel."

While the Holmen School Board has been holding closed session discussions about land acquisition, Superintendent Fred Frick emphasized there is no agreement between the school district and Brueske to develop a school on the site.

"Larry has certainly talked about his willingness to develop a school out there or a park out there, whatever the village might want," Frick said.

Before the school district can buy property, it either has to call a special district meeting and have the acquisition approved by the majority of the citizens in attendance or it has to pass in a referendum, Frick said.

Holland Town Board Chairman George Hammes said the town has not filed a formal objection to the annexation, but leaping over nearly a mile of property to get the Brueske parcel didn't make sense to him. "What happens happens, but that balloon on a string isn't right," he said.

Hammes also said the town's comprehensive plan, which will be rewritten over the next year and a half, now calls for commercial development along the highway. He said the town has been approached about commercial development on property near the Brueske land.

The Holmen Village Board gave preliminary approval to the annexation at its December meeting, pending the Administration Department's ruling, and was to discuss and possibly vote on the annexation Thursday night in a special meeting (after the Courier deadline).

Contact Randy Erickson at randy.erickson@lee.net or 786-6812.

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Story originally printed in the La Crosse Tribune or online at
<http://www.lacrossetribune.com>

Holmen annexes along highway

By RANDY ERICKSON | Lee Newspapers

HOLMEN, Wis. — Holmen officials have decided to go forward with annexing a parcel of land nearly a mile away, connected to the village by only a narrow strip of road right-of-way.

This “balloon on a string” annexation comes despite a Jan. 12 opinion by Erich Schmidtke, of the state Department of Administration’s Municipal Boundary Review Department, that the move was “against the public interest.”

The state doesn’t often issue such a finding; of 280 annexation petitions reviewed in 2005, only three drew negative rulings, according to the Administration Department. But Schmidtke’s ruling is advisory.

So in a special meeting Thursday, the Holmen Village Board reaffirmed its December decision to annex the 77-acre Brueske property, near the junction of Hwy. 35 and Hwy. 53, from the town of Holland.

The owner, Larry Brueske, requested annexation to connect to village sewer and water lines, as groundwater in the area has tested high for nitrates.

Village President John Chapman said the board normally would not pursue this kind of annexation were it not for the water and sewer issue.

“The village’s future is in this direction,” Chapman said, adding. “I don’t expect the ‘string’ to be there very long.”

“It’s only to be a matter of a couple years and it’s all going to fill in,” said Catherine Schmit, village administrator.

The state usually requires a shared boundary for annexing land. Such “balloon-on-a-string” annexations are discouraged because they can create irregular municipal boundaries, with pockets of town land surrounded by a larger municipality.

The town of Holland has not filed a formal objection to the annexation, Town Board Chairman George Hammes said, but the move didn’t make sense to

him.

“What happens happens, but that balloon on a string isn’t right,” he said.

Hammes also said the town’s comprehensive plan, which will be rewritten over the next year and a half, now calls for commercial development along the highway.

In the past, towns that objected to annexations could use the state’s negative ruling to support a court challenge, but a law passed in 2003 prevents towns from contesting annexations made through unanimous consent petitions. Brueske was sole petitioner.

Schmidtke’s letter also mentioned “an elementary school will be constructed on part of the Brueske Homes parcel.”

While the Holmen School Board has been discussing land acquisition in closed sessions, Superintendent Fred Frick emphasized the district has no agreement with Brueske to develop a school on the site.

Randy Erickson is editor of the Holmen Courier. Correspondent Bob Seaquist contributed to this story.

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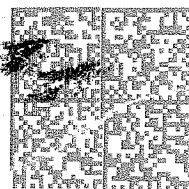
JOHNS, FLAHERTY & COLLINS, SC

Good neighbors. Great lawyers.

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La Crosse, WI 54602-1626

Erich Schmidtko
Municipal Boundary Review
Wisconsin Department of Administration
101 E. Wilson Street, 10th Floor
Madison, WI 53702-0001

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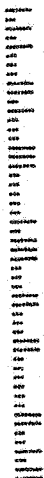
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Good neighbors. Great lawyers.

February 16, 2006

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Attorney Alan P. Peterson
P.O. Box 2286
La Crosse, WI 54602-2286

Re: Brueske Homes, Inc. Annexation adopted by Village of Holmen
on January 19, 2006
DOA Petition File No. 12770

ATTORNEYS

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Kansas Bar &
Bar of the
Commonwealth
of the Northern
Mariana Islands

A Service Corporation

Dear Al:

This letter will follow up our telephone conversation of February 10, 2006, wherein I informed you that I represent the Town of Holland regarding the above annexation. This annexation has been reviewed by the Wisconsin Department of Administration and found by it to be against the public interest. I enclose a copy of the Department's letter of January 12, 2006, setting forth its findings.

The Town of Holland does oppose this annexation and will, if necessary, legally challenge the annexation. As an alternative to a legal battle, I would suggest that the Town and the Village engage in negotiations to arrive at a cooperative boundary agreement under Sec. 66.0307, Wis. Stats. that could address the various concerns of the parties and be a stepping stone to implementing the long range plans of both entities for the affected area. Erich Schmidke of Municipal Boundary Review has offered his good offices to assist in any negotiations.

If the Village is interested in entering into such negotiations, it may be necessary to file a legal objection for the purposes of keeping open the claim in the event negotiations would be unsuccessful. We could work those details out later.

I have taken the liberty of sending a copy of this letter directly to the Village Clerk.

Very truly yours,

JOHNS, FLAHERTY & COLLINS, S.C.

A handwritten signature in dark ink, appearing to read "Terence R. Collins". The signature is fluid and cursive, with the first name "Terence" being more prominent than the last name "Collins".

Terence R. Collins
e-mail: terence@johnsflaherty.com

TRC/jls
Enclosure

cc: George Hammes
Marilyn Pedretti
Catherine Schmit
Erich Schmidtke
Steve Doyle