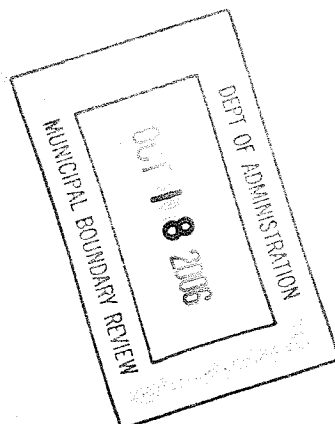
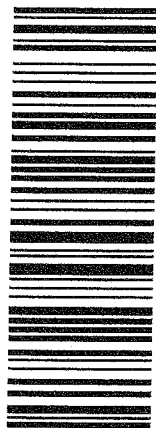


FRED VEENSTRA
6103 MORNING VIEW LN
SCHOFIELD WI 54476



CERTIFIED MAIL



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GEORGE HALL DIRECTOR
DIVISION OF INTERGOVERNMENTAL RELATIONS
MUNICIPAL BOUNDARY REVIEW
WI DEPARTMENT OF ADMINISTRATION
101 E WILSON ST 10TH FL
MADISON WI 53702-0001

Request for Annexation Review

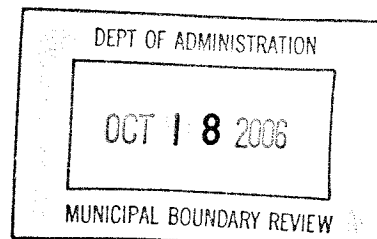
Wisconsin Department of Administration

Division of Intergovernmental Relations
Municipal Boundary Review
Shipping Address: 101 E. Wilson Street, 10th Floor
Madison, WI 53702-0001
Mailing Address: 608-266-0683 Fax: 608-267-6917
Phone: George.Hall@doa.state.wi.us
E-mail:

Petitioner's Name and Address

Fred Veenstra and Sidney Veenstra
c/o Fred Veenstra
6103 Morning View Lane
Schofield, WI 54476

Office use only:



1. Town where property is located: Town of Maine
2. Petitioned City or Village: City of Wausau
3. County where property is located: County of Marathon
4. Population of the territory to be annexed: 0
5. Area (in acres) of the territory to be annexed: 13.7 ± AC
6. Tax parcel number(s) of territory to be annexed: 052.2907.144.0998, .0034, & .0954
(if the territory is part or all of an existing parcel)

(715) 355-8930
Petitioner's phone #

(715) 675-5607
Town Clerk's phone #

(715) 261-6620
City/Village Clerk's phone #

Contact Information if different than petitioner:

Representative's Name and Address:

Fred Veenstra
6103 Morning View Lane
Schofield, WI 54476

Phone: (715) 355-8930

E-mail: veenstra@veenstrainc.com

Surveyor or Engineering Firm's Name and Address:

Phone _____

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 of 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.

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DHR
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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..... \$400

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)..... \$600

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:

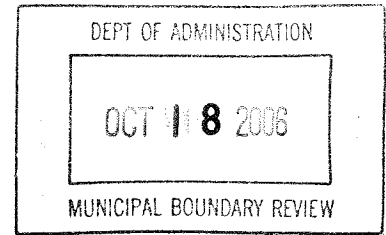
Questionnaire sent to:

Town of _____ City/Village of _____

County Notification

DATE

6103 Morning View Lane
Schofield, WI 54476



CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Kelly Michaels-Saager, Clerk
City of Wausau
407 Grant Street
Wausau, WI 54403

Kimberly Freund, Clerk
Town of Maine
2005 Decator Drive
Wausau, WI 54401

Robert A. Shepherd, Clerk
Wausau School District
415 Seymour Street
P.O. Box 359
Wausau, WI 54402-0359

George Hall, Director
Division of Intergovernmental Relations
Municipal Boundary Review
Wisconsin Department of Administration
101 East Wilson Street, 10th Floor
Madison, WI 53702-0001

Re: Annexation—East Crabtree Drive Area

Ladies and Gentlemen:

Enclosed herewith please find a copy of the *Notice of Intention to Circulate an Annexation Petition for Direct Annexation* of territory to the City of Wausau, published in the *Wausau Daily Herald* on Oct 15, 2006. Attached to the notice is a scale map showing the boundaries of the territory which is the subject of the annexation notice and the relation of the territory to the Town and the City.

At this time I am also submitting to the Department of Administration a completed "Request for Annexation Review" form and check payable to the Department Administration in the amount of \$600.

Sincerely,

A handwritten signature in black ink, appearing to read "Fred Veenstra".

Fred Veenstra
Petitioner


Enclosure

CLASS 1 LEGAL NOTICE
NOTICE OF INTENTION TO CIRCULATE AN ANNEXATION PETITION
FOR DIRECT ANNEXATION

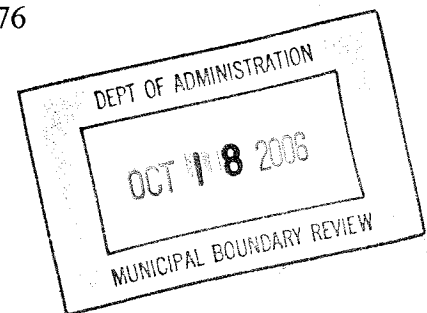
NOTICE IS HEREBY GIVEN in accordance with Section 66.021 of the Wisconsin Statutes, that an annexation petition for direct annexation is to be circulated in the area hereinafter described and delineated; that the circulation of the petition shall commence not less than ten days nor more than twenty days from the date of the publication hereof, petitioning the governing body of the City of Wausau for the annexation of the area proposed to be detached from the Town of Maine, and is located within said town, Marathon County, Wisconsin, and described and delineated as follows:

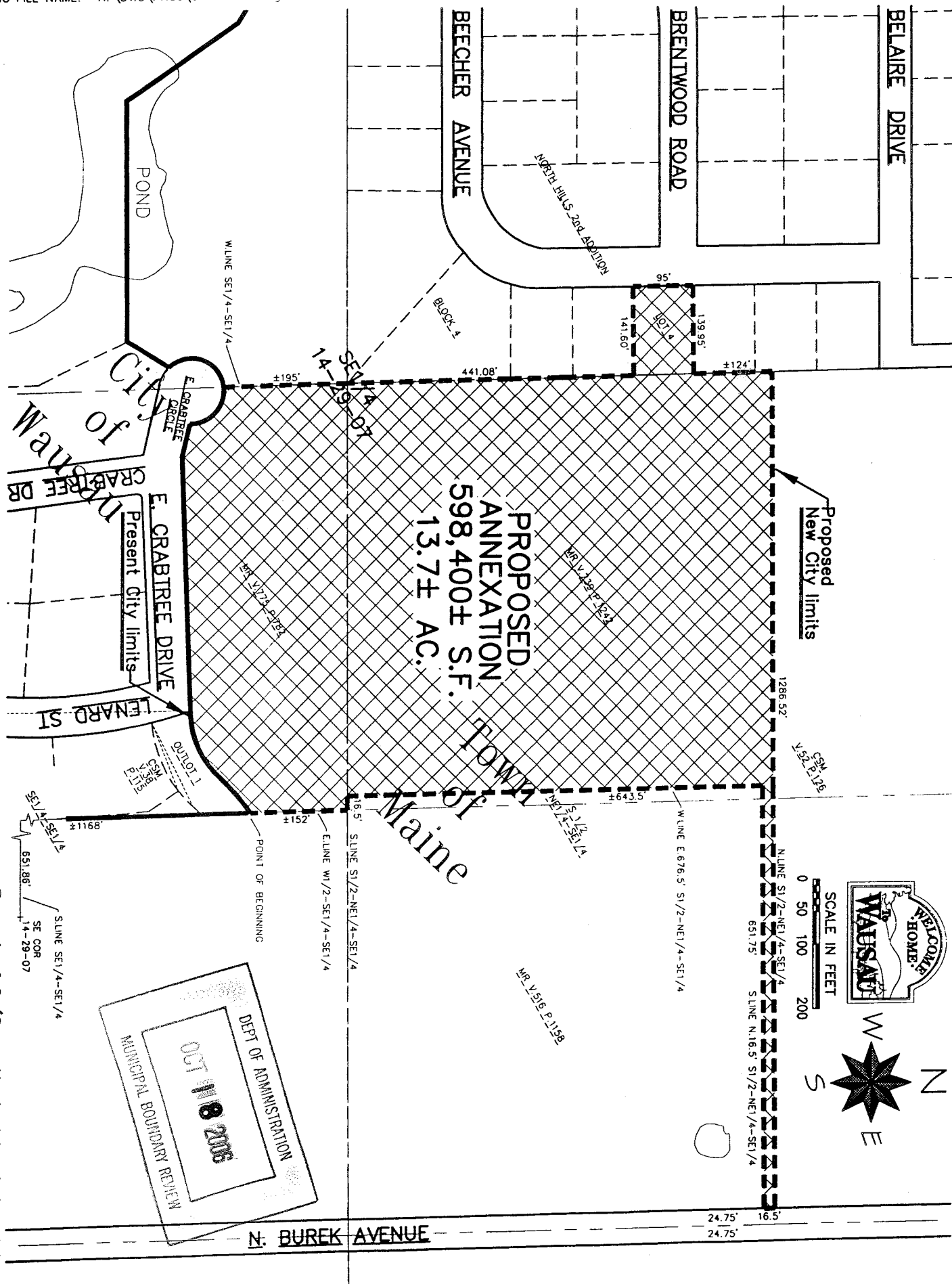
SEE ATTACHED SCALE MAP/LEGAL DESCRIPTION

Dated: 10-12-2006



Fred Veenstra, Petitioner
6103 Morning View Lane
Schofield, WI 54476





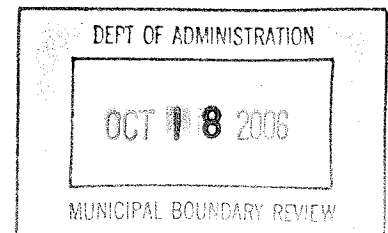
Proposed Annexation — Veenstra

Part of the South $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ and part of the West $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, and Lot 4 of Block 4 of North Hill's Second Addition, all in Section 14, Township 29 North, Range 7 East, Town of Maine, Marathon County, Wisconsin, described as follows:

Commencing at the Southeast corner of said Section 14; thence West, along the South line of said Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, 651.86 feet to the East line of said West $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$; thence North, along said East line, approximately 1168 feet to the Northerly line of Outlot 1 of Certified Survey Map Number 9492 recorded in the Office of Register of Deeds for Marathon County in Volume 38 of Certified Survey Maps on page 115, the point of beginning;

Thence North, along said East line, approximately 152 feet to the South line of said South $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$; thence West, along said South line, 16.5 feet to the West line of the East 676.5 feet of said South $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$; thence North, along said West line, approximately 643.5 feet to the South line of the North 16.5 feet of said South $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$; thence East, along said South line, 651.75 feet to the West right-of-way of Burek Avenue; thence North, along said West right-of-way, 16.5 feet to the North line of said South $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$; thence West, along said North line, 1286.52 feet to the East line of said Block 4 of North Hill's Second Addition; thence South, along said East line, approximately 124 feet to the North line of Lot 4 of said Block 4; thence West, along said North line, 139.95 feet to the West line of said Lot 4; thence South, along said West line, 95 feet to the South line of said Lot 4; thence East, along said South line, 141.60 feet to said East line of said Block 4; thence South, along said East line, 441.08 feet to said South line of the South $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$; thence South, along the West line of said Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, approximately 195 feet to the Northerly right-of-way of East Crabtree Circle; thence Easterly, along said Northerly right-of-way and along the Northerly right-of-way of East Crabtree Drive, to the Westerly line of said Outlot 1 of Certified Survey Map Number 9492; thence Easterly, along said Northerly line of Outlot 1, to said East line of the West $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, the point of beginning.

Veenstra.lgl
October 11, 2006





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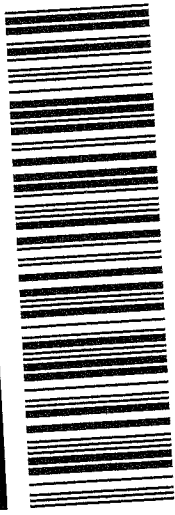
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**Town of Maine
Betty Hoenisch, Chairperson
6111 N. 44th Avenue
Wausau, WI 54401**

**George Hall, Director
Division of Intergovernmental Relations
Municipal Boundary Review
Wisconsin Dept. of Administration
101 East Wilson Street, 10th Floor
Madison, WI 53702-0001**

Town of Maine

Betty J. Hoenisch, Town Chairperson

6111 N. 44th Avenue

Wausau, WI 54401

(715) 675-5607

October 18, 2006

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OCT 20 06

George Hall, Director
Division of Intergovernmental Relations
Municipal Boundary Review
Wisconsin Department of Administration
101 East Wilson Street, 10th Floor
Madison, WI 53702-0001

Re: Annexation – East Crabtree Drive Area

Dear Mr. Hall:

The Town of Maine received the attached copy of the Annexation – East Crabtree Drive Area petition. The Town has concerns and questions regarding this annexation, however our Town Attorney is out of state and will not return until Monday, October 23, 2006. Upon his return he will send the Department of Administration a letter with those concerns and issues. I am requesting that if at all possible a decision regarding this proposed annexation could be postponed until the Town has an opportunity to respond to your office. If you have any questions, please feel free to call me at 715-675-5607 or the town cell# 715-573-5607.

Sincerely,



Betty Hoenisch,
Town Chairperson



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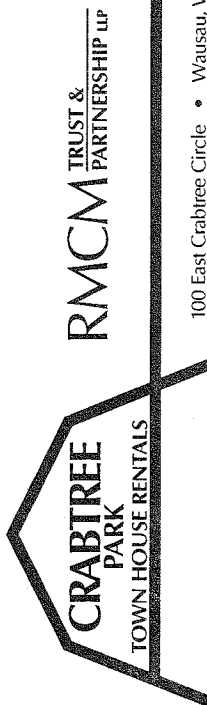
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RMCM TRUST & PARTNERSHIP LLP

100 East Crabtree Circle • Wausau, Wisconsin 54401

Mr. George Hall, Director
Division of Intergovernmental Relations
Municipal Boundary Review
Wisconsin Department of Administration
101 E Wilson Street, 10th Floor
Madison, WI 53702-0001

FIRST CLASS

**RETURN RECEIPT
REQUESTED**

Certified Mail

Robert W Monk III
100 E Crabtree Circle
Wausau, Wis.54401.

October 18, 2006

RECEIVED
AT
DHIR
OCT 23 06

Mr. George Hall, Director
Division of Intergovernmental Relations
Municipal Boundary Review
Wisconsin Department of Administration
101 E Wilson Street, 10th Floor
Madison, WI 53702-0001

Dear Mr. Hall:

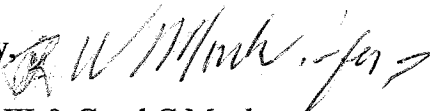
It has come to our attention that Mr. Fred Veenstra is circulating a petition for direct annexation from the Town of Maine to the City of Wausau of a parcel owned and used continuously by us as homestead property for 40 years. If our permission for such annexation is germane, please take notice that no such permission has been given.

This part of our homestead designated on the map as V775 p782 slopes gently down from its west legal boundary to our commonly owned property adjoining at the east. It is presently used for gardening, forestry, and maintenance of private connecting trails. From its E Crabtree drive Wausau border there is a steep, solid rock slope rising to the north making vehicular and utility access to the Veenstra property in this proposed annexation highly improbable and potentially grossly uneconomic.

You may be interested that the gerrymandered 16.5' x 651.75' alley easement connecting the Veenstra property to N. Burek Avenue, while making a strange municipal boundary if approved, lacks the support of the adjoining property holder according to his statement.

Several years ago we gifted other adjoining land to the Robert W. Monk Gardens Inc. and annexed the property to Wausau. This annexation was vetted through your office, we believe, so you may be aware we have no objection to a sensible annexation approved by the parties. In the meantime, we humbly request that you consider deferred action on this affair for several days until Attorney Roger Deffner returns from overseas and has an opportunity to advise us what rights the law may provide in this instance.

Yours truly,



Robert W., III & Carol C Monk
RMCM Trust by R.W. Monk, trustee
RMCM Limited Family Partnership LLP, by R.W Monk, General Partner



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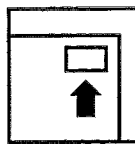
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George Hall, Director
Division of Intergovernmental Relations
Municipal Boundary Review
Wisconsin Dept. of Administration
101 East Wilson Street, 10th Floor
Madison, WI 53702-0001

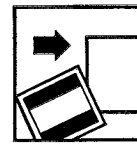
HOW TO USE



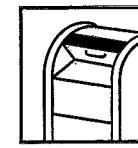
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3. **ATTACH LABEL (Optional)**
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October 18, 2006

George Hall, Director
Division of Intergovernmental Relations
Municipal Boundary Review
Wisconsin Department of Administration
101 East Wilson Street, 10th Floor
Madison, WI 53702-0001

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OCT 20 06

Re: Veenstra / East Crabtree Drive Area Direct Annexation

Dear Mr. Hall:

We the concerned residents of the Town of Maine are requesting that you carefully examine the attached Veenstra / East Crabtree Drive Area Direct Annexation petition.

Mr. Veenstra is petitioning for direct annexation of lot four (4), block four (4) of the North Hills 2nd Addition subdivision along with his ten (10) acres east and south of lot four (4). The annexation would also include the three acres directly south of Mr. Veenstra's ten (10) acre parcel, which are owned by Mr. Robert Monk.

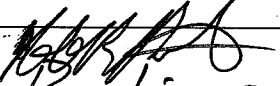
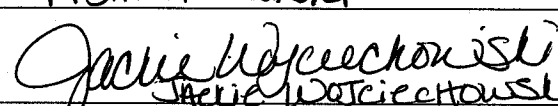
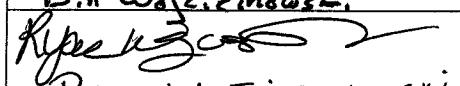

We have concerns regarding the use of the 13.7 acres after the land is annexed and access to that property. Mr. Veenstra stated to several of us that he is looking for a developer to purchase his property and that could result in 50 plus new homes on the 13.7 acre parcel. Mr. Veenstra also commented that he will use lot four (4) as access to that proposed new development.

Our concerns are that if the Department of Administration allows this direct annexation it will have an adverse effect on our enjoyment of peace and quiet and our quality of life. The North Hills subdivision is a very quiet residential country sub division with no thru streets, local traffic only with streets that were not designed for traffic from 50 new homes. The traffic that would result from a development that would be allowed access via lot four (4) and thru our sub division would create many dangerous situations and congestion.

We are requesting that the Department of Administration review this direct annexation very carefully due to the negative impact to our sub division. We are requesting that the direct annexation be denied or at the very least that the annexation of lot four (4) be denied. There is NO benefit to the Town of Maine, the North Hills sub division residents or surrounding properties should this annexation be approved.

There is a total of sixteen homes in our sub division. Due to the Town of Maine's zoning ordinance building set backs and Marathon County's sanitary regulations there is only one more home that could be built in our sub division. We have included a map of the North Hills 2nd Addition sub division with the homes marked on that map. It is the small friendly neighborhood country subdivision atmosphere that we are all hoping to retain.

Thank you in advance for any help you can give us on this matter.

Name	Address
 Rob Barbier	2304 Burlington Dr.
Kristina Barbier Kristina Barbier	2304 Burlington Dr.
 Jackie Wojciechowski	2303 Burlington Dr.
Bill Wojciechowski Bill Wojciechowski	2303 Burlington Dr.
 Ryan Wojciechowski	2303 Burlington Dr.
Nancy Ehler	155 Brentwood Rd
Jenny Rens	101 Brentwood Rd
Tom Rens	101 Brentwood Rd
 Denise Saindon	204 Belaire Dr
David Saindon	204 Belaire Dr.

Name	Address
HERMAN HINTZ	^{W40540} 2403 BEECHER AVE
Sandra K. Huntz	2403 Beecher Ave Wausau
Jean Krause	105 Bel Air Dr Wausau
Gary Krause	105 Bel Air Dr Wausau
Jim Long	106 BELAIR DR.
Betty Hoenisch	205 Brentwood Rd
Gale Kolberg	101 Bel-air Dr.
Jerome Kolberg	101 Bel-air Dr.
Sarah Richards	305 Brentwood Dr
Brian J Richards	305 Brentwood Dr.
Glen Hoenisch	205 Brentwood Rd.
Dorothy Ruth	176 Belair Dr. Wausau
Summit Ruth	176 Belair Dr. Wausau
Joan Kuschinski	304 Bel-Air Dr.
Ray Wayne Kuschinski	304 Bel-Air Dr.
John M Bauman	202 BRENTWOOD RD.
Cynthia Hilmershausen	200 Brentwood Rd.
Helen Bauman	202 Brentwood Rd

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Thank you in advance for any help you can give us on this matter.

Name	Address
<i>David C Ehlert</i>	<i>155 Bentwood Rd.</i>

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Thank you in advance for any help you can give us on this matter.

Name	Address
Mark Mackesy	306 E. Cassidy Dr. Wausau, WI. 54401
J. Kruse Justin KRUSE	2502 Burk Ave Wausau, WI 54401
Shannah C Kruse	2502 Burk Ave Wausau WI 54401
Clairne Ren	101 Brentwood Rd. Wausau WI 54401

NORTH HILLS 2ND ADDITION

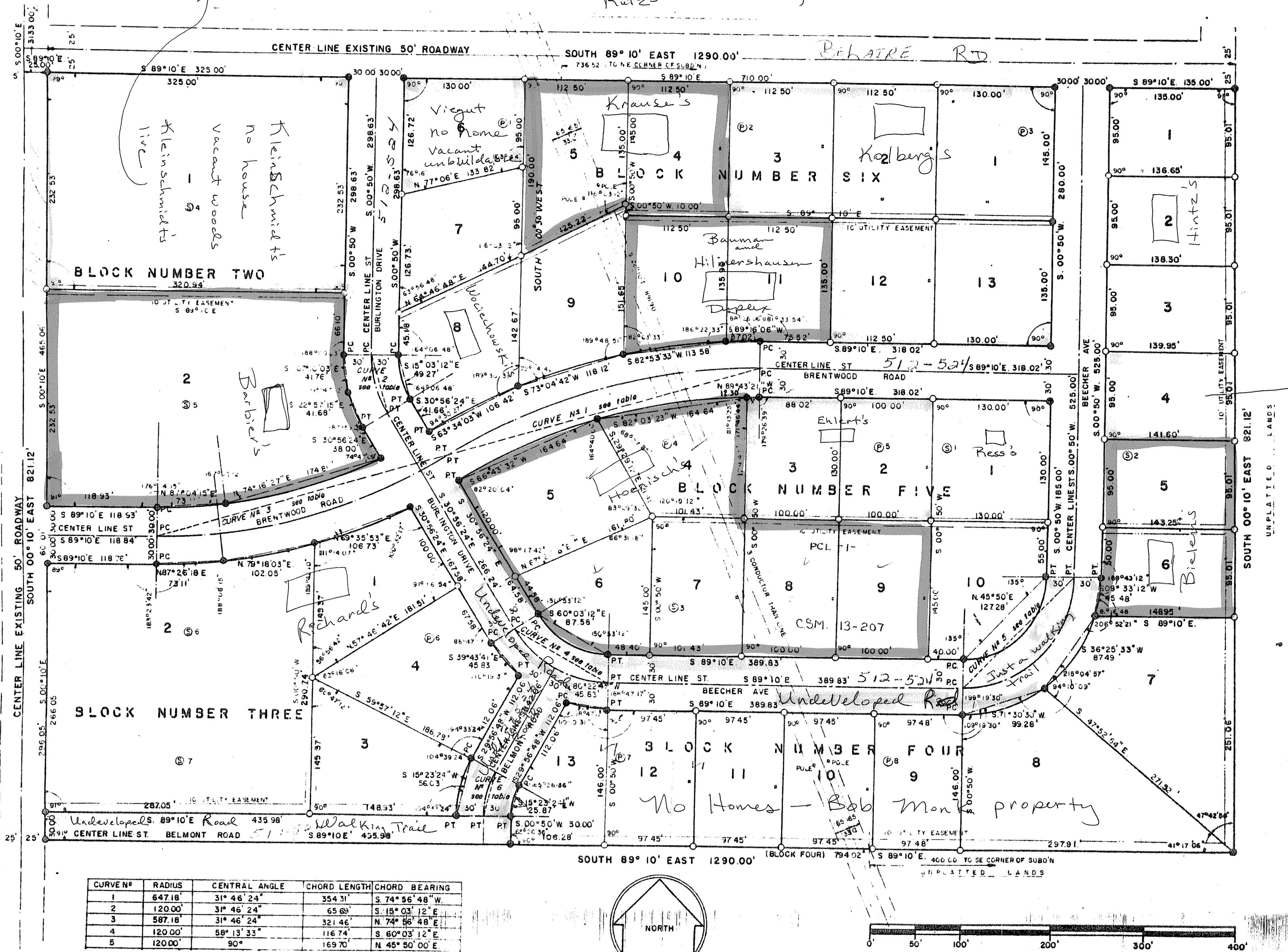
PART OF NW SE, SECTION 14-29-7

VOL. 12, PG. 26

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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/>

October 23, 2006

PETITION FILE NO. 12965

KELLY MICHAELS-SAAGER, CLERK
CITY OF WAUSAU
407 GRANT ST
WAUSAU, WI 54403

KIMBERLY FREUND, CLERK
TOWN OF MAINE
2005 DECATUR DR
WAUSAU, WI 54403

Subject: VEENSTRA 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 MAINE to the City of WAUSAU (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 November 2, 2006 so that the information can be reviewed prior to the department's statutory deadline of November 7, 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,

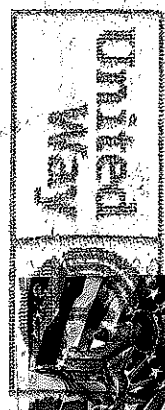
Erich Schmidtke

Enclosures

Town of Maine
Betty Hoensch, Chairperson
6111 N. 44th Avenue
Wausau, WI 54401

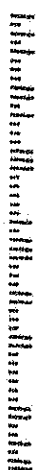
CENTRAL WI PSD# 544

09 NOV 2006 PM 1 T



Division of Intergovernmental Relations
Attention: Erich Schmidtko
101 East Wilson Street, 10th Floor
Madison, WI 53702-0001

53702+0001



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PETITION # 12965

NOV 14 06

ANNEXATION REVIEW QUESTIONNAIRE

MUNICIPAL BOUNDARY REVIEW

1. Territory to be annexed: Veenstra / Monk land From Town of: Maine To City/Village of: Wausau

2. Area (Acres): 13.7 Approx. Equalized (full) value: Land:\$ Improvements:\$

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

a. Annual town property tax on territory to be annexed: 1,064.35 a. Title of boundary agreement None

b. Total that will be paid to Town (annual tax multiplied by 5 years): 5,321.75 b. Year adopted None

c. Paid by: Petitioner (circle one) c. Participating jurisdictions None

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: 2

Undeveloped: 75 % Residential 25 % Electors: 2

Commercial: % Recreational % Total: 2

Industrial: %

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

Commercial: % Residential 75 % Other:

Industrial: % Recreational 25 %

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?:
Residential

In the town?: Residential

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

If the land is annexed to the City of Wausau then owner will be able to sub divide land into smaller parcels with sewer and water utility services which make the sale much more profitable to them.

PETITION # 12965

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: _____

Annual park program appropriation: \$ _____

Describe proximity of parks from annexation territory:

11. Schools:

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

12. Planning:

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

☒ Yes ☐ No

If yes, when was it prepared? 1997

When Updated?

Currently working on new plan

Who prepared the plan? North Central Regional Planning

2. Annual appropriation for planning?

\$ 15,000.00

3. How is the annexation territory now zoned?

lot 4 is R1E & balance of land is R1-Suburban Residential

4. How will the land be zoned and used if annexed?

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

There will be a tremendous burden to the Town if lot 4 of the North Hills second addition, block 4 is allowed to be annexed with the intent to use that lot as access the the other 13 acres.

Prepared by: Betty Hoenisch

Title: Town Chairperson

Phone: 715-675-5607

Date: November 4, 2006

Please RETURN PROMPTLY to:

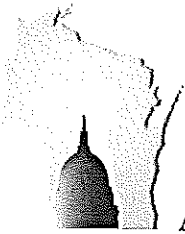
Municipal Boundary Review

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/>

November 20, 2006

DOA PETITION FILE NO. 12965

KELLY MICHAELS-SAAGER, CLERK
CITY OF WAUSAU
407 GRANT ST
WAUSAU, WI 54403

KIMBERLY FREUND, CLERK
TOWN OF MAINE
2005 DECATUR DR
WAUSAU, WI 54401

Subject: VEENSTRA ANNEXATION

The proposed annexation submitted to our office on October 18, 2006, has been reviewed and found to be in the public interest. This advisory annexation review has been delayed until City staff could be reached for comment.

Section 66.0217 (6), Wis. Stats., requires the Department to *advise* the annexing municipality whether or not an annexation petition is in, or against, the public interest considering s. 66.0217 (6) (c), including shape and contiguity of the proposed annexation. Whether or not an annexation ordinance is ultimately adopted is up to the annexing city or village.

The subject petition is for territory that is reasonably shaped and contiguous to the City of WAUSAU. The City can provide municipal sewer and water services to the subject property once a development proposal has been submitted and approved.

This petition has generated considerable interest on the part of the Town and affected landowners. However, a few clarifications may be in order. The tax parcel owned by Robert and Carol Monk that is included in the petition does not contain a residence. Confusion over whether or not this parcel actually contains a residence arose when it was described as a "homestead;" the City confirms that it is a separate parcel number and contains no residence. There are therefore no electors residing on any of the parcels included in the petition, consequently Fred Veenstra controls the petition either by area or value. The ~652-foot by ~17-foot string connecting with N. Burek Avenue that is included in the petition is also owned by Veenstra.

Earlier during this review I received a communication from Robert and Carol Monk protesting the inclusion of their property, presumably included by the Veenstras in order to provide contiguity to the City of Wausau. Section 66.0217 (3) (a), Wis. Stats., provides that majority landowners may bring in unwilling owners if their property is "necessary" in order to make a petition contiguous, or for other reasons that relate to making a petition "work," that may include territory necessary for provision of transportation access and utilities, as well as creating de facto land divisions for jurisdictional purposes without benefit of an approved certified survey map. Despite the frustration this may cause the unwilling owner whose property is so included, this practice is nevertheless a consistent use of this statutory section, as Wisconsin's annexation statute is "landowner driven," as recognized authorities, including the courts, have previously stated. However, some modicum of protection is provided to unwilling owners whenever their residence is physically included, insofar as the statute also requires that a proportion of electors present in the territory petitioned, if any, must also sign the petition (see s. 66.0217 (3) (a) 1., Wis. Stats.).

The Department also received communications from the Town of Maine on October 20, 2006, including a protest petition from 34 affected residents from North Hills 2nd Addition, as well as a letter from the Town's attorney, Randy L. Frokjer, on November 6, 2006, citing potential conflict with an existing Town subdivision

KELLY MICHAELS-SAAGER, CLERK

KIMBERLY FREUND, CLERK

November 20, 2006

Page 2

plat called North Hills 2nd Addition. Lot 4 of this subdivision plat is included in the subject annexation petition, presumably to enable street access to a proposed subdivision to be developed by the Veenstras. Unless deed restricted, there is prospectively nothing that would prevent a subdivision lot from subsequently being condemned or used for other purposes by a separate jurisdiction once the parcel is annexed, or for example even by the Town, should the many platted, but unbuilt lots in the subdivision be developed, and the single point of access be found not to meet transportation safety standards.

As I've verbally explained to Attorney Frokjer, the situation created by this annexation petition is not unusual, particularly where an existing subdivision platted in a town becomes fully integrated into the urban fabric as annexations and subsequent platting by a city or village begin to touch and surround the town subdivision in question. At this time the future use of Lot 4 of North Hills 2nd Addition as an extension of Brentwood Road is uncertain, as utility and road access to the proposed annexation could also be taken from Outlot 1 and Crab Tree Drive. But as in other similar annexation circumstances, there is no substitute for the annexing city or village and town working together in order to resolve land use, engineering, traffic, and public safety-related issues if an ordinance is adopted for such an annexation petition and a city street connection with a town road is proposed.

Although some effort may have been made by the Town and City to harmonize an overall vision for this general area that is reflected in their respective comprehensive plans, detailed development, transportation and utility planning has yet to occur. An intergovernmental agreement using either ss. 66.0301 or ss. 66.0307, Wis. Stats., or even a simple memorandum of understanding, could begin to identify and ameliorate issues prompted by annexation petitions such as this one. If either the City or the Town would like information or a presentation on how these agreements have worked for other communities, please contact me at the phone number provided below.

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. **Please also include the MBR number with your ordinance as this assists with record keeping. Your MBR number is: 12965**

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