

13891

BBCC, LLC

13891	Date Sent	Reply	Status
Town Quest	10/9		
Muni Quest	10/9		
Prop. Lister	10/9	10/12	

TOWN OF WESTPORT  
CITY OF MIDDLETON  
10/22/2015

OK ~~2~~ 10/13/15

# Request for Annexation Review

73801

Wisconsin Department of Administration

WI Dept. of Administration  
Municipal Boundary Review  
101 E. Wilson Street, 9<sup>th</sup> Floor  
Madison WI 53703  
608-264-6102 Fax: 608-264-6104  
wimunicipalboundaryreview@wi.gov  
http://doa.wi.gov/municipalboundaryreview/

## Petitioner Information

Name: **BBCC, LLC**

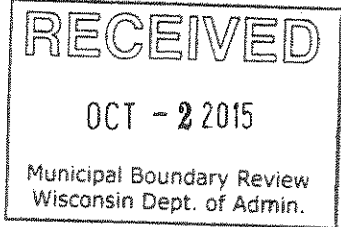
Address: **1700 U.S. HIGHWAY 50**

**GLENBROOK, NV 89413**

Attn: **Jeffrey Jay Jacobsen**

Email: **JPDQ@ME.COM**

## Office use only:



1. Town where property is located: **WESTPORT**

2. Petitioned City or Village: **MIDDLETON**

3. County where property is located: **DANE**

4. Population of the territory to be annexed: **0**

5. Area (in acres) of the territory to be annexed: **4.4146**

6. Tax parcel number(s) of territory to be annexed  
(if the territory is part or all of an existing parcel): **066/0809-314-  
8009-0**

Petitioners phone:

**775-250-6265**

Town clerk's phone:

**608-849-4372**

City/Village clerk's phone:

**608-821-8346**

## Contact Information if different than petitioner:

Representative's Name and Address:

**THE COMMUNITY OF BISHOPS BAY LLC**

**ATTN: F. TAYLOR BRENGEL**

**PO BOX 620037**

**MIDDLETON, WI 53562**

Phone: **608-628-8366**

E-mail:

**LEGAL@BISHOPSBAYCOMMUNITY.COM**

Surveyor or Engineering Firm's Name & Address:

**VIERBICHER ASSOCIATES**

**ATTN: PAUL KNUDSON**

**999 FOURIER DRIVE, SUITE 201**

**MADISON, WI 53717**

Phone: **608-438-9158**

E-mail: **PKNU@VIERBICHER.COM**

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

- Legal Description meeting the requirements of s.66.0217 (1) (c) [see attached annexation guide]
- Map meeting the requirements of s. 66.0217 (1) (g) [see attached annexation guide]
- Signed Petition or Notice of Intent to Circulate is included
- Indicate Statutory annexation method used:
  - Unanimous per s. 66.0217 (2), or,
  - OR
  - Direct by one-half approval per s. 66.0217 (3)
- Check or money order covering review fee [see next page for fee calculation]

# Annexation Review Fee Schedule

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

13897

## Required Fees

There is an initial filing fee and a variable review fee

**\$350 Initial Filing Fee** (required with the first submittal of all petitions)  
\$200 – 2 acres or less  
\$350 – 2.01 acres or more

**\$600 Review Fee** (required with all annexation submittals except those that consist ONLY of road right-of-way)  
\$200 – 2 acres or less  
\$600 – 2.01 to 10 acres  
\$800 – 10.01 to 50 acres  
\$1,000 – 50.01 to 100 acres  
\$1,400 – 100.01 to 200 acres  
\$2,000 – 200.01 to 500 acres  
\$4,000 – Over 500 acres

**\$950 TOTAL FEE DUE** (Add the Filing Fee to the Review Fee)

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

**THE DEPARTMENT WILL NOT PROCESS  
AN ANNEXATION PETITION THAT IS NOT ACCOMPANIED  
BY THE REQUIRED FEE.**

**THE DEPARTMENT'S 20-DAY STATUTORY REVIEW PERIOD  
COMMENCES UPON RECEIPT OF THE PETITION AND REVIEW FEE**

Shaded Area for Office Use Only

Date fee received: 10/2/15

Payee: COMMUNITY OF BISHOPS TAY

Check Number: 273

Check Date: 10/2/15

Amount: 950

## ANNEXATION SUBMITTAL GUIDE

13897

### s. 66.0217 (5) THE PETITION

- State the purpose of the petition:
  - Direct annexation by unanimous approval; OR
  - Direct annexation by one-half approval; OR
  - Annexation by referendum.
  
- Petition must be signed by:
  - All owners and electors, if by unanimous approval.
  - See 66.0217 (3) (a), if by one-half approval.
  - See 66.0217 (3) (b), if by referendum.
  
- State the population of the land to be annexed.

*[It is beneficial to include Parcel ID or Tax numbers, the parcel area, and identify the annexee (Town) and annexor (Village or City) in the petition.]*

### s. 66.0217 (1) (c) THE DESCRIPTION

- The annexation petition must include a legal description of the land to be annexed. The land must be described by reference to the government lot, private claim, quarter-section, section, town and range in which the land lies. The land must be further described by metes and bounds commencing from a monumented corner of the section or quarter-section, or the monumented end of a private claim or federal reservation, in which the land lies; OR
  
- If the land is wholly and entirely within a lot or lots, or all of a block or blocks of a recorded subdivision plat or certified survey map, it must be described by reference to the lot (s) and/or block (s) therein, along with the name of the plat or the number, volume, page, and County of the certified survey map.
  
- The land may NOT be described by:
  - Aliquot part;
  - Reference to any other document (plat of survey, deed, etc.);
  - Exception or Inclusion;
  - Parcel ID or tax number.

### s. 66.0217 (1) (g) THE MAP

- The map shall be an **accurate reflection** of the legal description of the parcel being annexed. As such, it must show:
  - A tie line from the parcel to the monumented corner of the section or quarter-section, or the monumented end of a private claim or federal reservation, in which the parcel lies. The corner and monument must be identified.
  - Bearings and distances along all parcel boundaries as described.
  - All adjoining as referenced in the description.
  
- The map must include a **graphic scale**.
  
- The map must show and identify the existing municipal boundary, in relation to the parcel being annexed.

*[It is beneficial to include a North arrow, and identify adjacent streets and parcels on the map.]*

### s. 66.0217 FILING

- The petition must be filed with the Clerk of the annexing City or Village and with the Clerk of the Town in which the land is located.
  
- If the annexation is by one-half approval, or by referendum, the petitioner must post notice of the proposed annexation as required by s. 66.0217 (4).
  
- If the lands being annexed are within a County of 50,000 or greater population, the petition must also be filed with the Department of Administration for review

*[Note that no municipality within a County of 50,000 or greater population may enact an annexation ordinance prior to receiving a review determination from the Department of Administration.]*

13891

PETITION FOR DIRECT ANNEXATION  
BY UNANIMOUS APPROVAL

To: Town Clerk  
Town of Westport  
Kennedy Administration Building  
5387 Mary Lake Road  
Waunakee, WI 53597

City of Middleton  
Attn: City Clerk  
7426 Hubbard Avenue  
Middleton, WI 53562

The undersigned petitioner is the owner of all real property located in the territory described on the attached legal description. There are no electors residing in such territory. The population of the territory as defined in Section 66.0217(5)(a) of the Wisconsin Statutes is 0. A scale map of the territory is attached. The map shows the boundary of the territory and the relation of the territory to the Town of Westport and the City of Middleton.

Undersigned petitioners request temporary Agricultural (Ag) District zoning for the territory.

Petitioners petition for direct annexation of the territory to the City of Middleton.

Dated effective 9.29, 2015.

PETITIONER:

BBCC, LLC

By:   
Jeffrey Jay Jacobsen, Manager

**LEGAL DESCRIPTION OF LANDS TO BE ANNEXED INTO THE  
CITY OF MIDDLETON, WISCONSIN**


Part of the SW 1/4 of the NW 1/4 and the NW 1/4 of the SW 1/4 of Section 32, all in Township 8 North, Range 9 East, Town of Westport, Dane County, Wisconsin, described as follows:

Commencing at the West Quarter corner of said Section 32; thence S 00°25'17" E, 9.03 feet along the west line of the SW 1/4 of said Section 32 to the intersection with the southerly line of lands described in Document Number 5130092; thence S 85°44'17" E, 36.35 feet along said southerly line to the southeast corner of lands described in Document Number 5130092 and the Point of Beginning; thence N 04°15'43" E, 122.41 feet along the east line of lands described in Document Number 5130092 to the intersection with the northerly line of lands described in Document Number 4957879, hereinafter referred to as "BBCC Lands"; thence N 58°04'21" E, 136.44 feet along said "BBCC Lands"; thence N 71°41'22" E, 58.31 feet along said "BBCC Lands"; thence N 85°18'23" E, 612.24 feet along said "BBCC Lands"; thence N 27°39'47" W, 198.62 feet along said "BBCC Lands"; thence N 04°34'56" W, 118.41 feet along said "BBCC Lands"; thence N 23°26'36" W, 201.56 feet along said "BBCC Lands"; thence N 02°46'56" W, 16.52 feet along said "BBCC Lands"; thence S 29°35'40" E, 275.33 feet; thence S 25°41'37" E, 180.43 feet; thence S 12°17'55" W, 185.41 feet; thence S 39°26'45" W, 185.41 feet; thence S 71°11'21" W, 206.66 feet; thence N 85°44'17" W, 470.37 feet to the Point of Beginning. OK

Containing 4.4146 acres, more or less. ✓

Part of 066/0809-314-8009-0



**From:** Tom Wilson [twilson@townofwestport.org](mailto:twilson@townofwestport.org)   
**Subject:** RE: CoBB - Phase 4 - Golf Course Land Annexation  
**Date:** October 2, 2015 at 10:06 AM  
**To:** Taylor Brengel [taylor@bishopsbaycommunity.com](mailto:taylor@bishopsbaycommunity.com), Lorie Burns [lburns@ci.middleton.wi.us](mailto:lburns@ci.middleton.wi.us), Eileen M. Kelley, AICP [ekelley@ci.middleton.wi.us](mailto:ekelley@ci.middleton.wi.us)  
**Cc:** Paul Knudson [pknu@vierbicher.com](mailto:pknu@vierbicher.com), Matt Schreiner [msch@vierbicher.com](mailto:msch@vierbicher.com), Rick Schmidt [rschmidt@boardmanclark.com](mailto:rschmidt@boardmanclark.com), Keven [keven@vil.waunakee.wi.us](mailto:keven@vil.waunakee.wi.us), Robert Anderson [banderson@townofwestport.org](mailto:banderson@townofwestport.org), Eileen Kelly ([ekelley@ci.middleton.wi.us](mailto:ekelley@ci.middleton.wi.us)) [ekelley@ci.middleton.wi.us](mailto:ekelley@ci.middleton.wi.us)



Thanks Taylor. That is consistent with what has been approved so far.

Tom

## Thomas G. Wilson

Attorney/Administrator/Clerk-Treasurer  
Town of Westport (Dane County, WI)  
Population 3,962

5387 Mary Lake Road  
Waunakee, WI 53597

[twilson@townofwestport.org](mailto:twilson@townofwestport.org)

[www.townofwestport.org](http://www.townofwestport.org)

<http://twitter.com/TownofWestport>

<http://www.facebook.com/pages/Town-of-Westport-Dane-County-Wisconsin/115029421892435?v=wall>

(608) 849-4372

(608) 849-9657 FAX



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All e-mail sent to the Town of Westport is subject to the Wisconsin open records law.

IF THIS MESSAGE IS TO THE ENTIRE MEMBERSHIP OF A GOVERNMENTAL BODY, *you are advised* that this email should be treated as a one-way communication and that responses "to all" should be avoided because those responses could create a "walking quorum" of the body in violation of the open meetings law (Office of the Wisconsin Attorney General Letter of 3/19/2010).

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**From:** Taylor Brengel [<mailto:taylor@bishopsbaycommunity.com>]

**Sent:** Friday, October 02, 2015 9:15 AM

**To:** Tom Wilson; Lorie Burns; Eileen M. Kelley; AICP



**WISCONSIN DEPARTMENT OF  
ADMINISTRATION**

SCOTT WALKER

GOVERNOR

SCOTT A. NEITZEL

SECRETARY

**Municipal Boundary Review**

PO Box 1645, Madison WI 53701

Voice (608) 264-6102 Fax (608) 264-6104

Email: [wimunicipalboundaryreview@wi.gov](mailto:wimunicipalboundaryreview@wi.gov)

Web: <http://doa.wi.gov/municipalboundaryreview/>

October 09, 2015

PETITION FILE NO. 13891

LORIE J. BURNS, CLERK  
CITY OF MIDDLETON  
7426 HUBBARD AVE  
MIDDLETON, WI 53562-3118

THOMAS G. WILSON, CLERK  
TOWN OF WESTPORT  
5387 MARY LAKE RD  
WAUNAKEE, WI 53597-9128

Subject: BBCC, LLC ANNEXATION

Section 66.0217 (6), Wis. Stats., provides that the annexation of lands to cities and villages within a county having a population of 50,000 or more shall be reviewed by the Department of Administration in order to determine if the proposed annexation is in the public interest or against the public interest. The proposed annexation from the TOWN OF WESTPORT to the CITY OF MIDDLETON (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.

Please return the questionnaire as soon as possible so that the information can be reviewed prior to the department's statutory deadline of October 22, 2015. Direct any questions and comments to Erich Schmidtke at (608) 264-6102. Thank you for your cooperation.

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

Sincerely,

Erich Schmidtke

Enclosures

**REAL PROPERTY LISTERS ANNEXATION REVIEW**

1. Territory to be annexed: 4.4146 acres	From Town of: <b>Westport</b>	To City/Village of: Middleton
---	----------------------------------	----------------------------------

2. Checklist: (Y) Yes; (N) No; (NA) Not applicable; (NC) Not checked

**Location and Position**

- Y (1) Location description by government lot, recorded private claim, ¼ - ¼ section, section, township, range and county
- Y (2) Contiguous with existing village/city boundaries
- N (3) Creates an island area in Township (completely surrounded by city)
- N (4) Creates an island area in City (completely surrounded by town)

**Petition and Map Information**

- Y (1) Identify owner(s) of annexed land
- na (2) Identify parcel ID numbers included in annexation.
- Y (3) Identify parcel ID numbers being split by annexation
- Y (4) North arrow
- Y (5) Graphic Scale
- Y (6) Streets and Highways shown and identified
- N (7) Legend
- Y (8) Total area/acreage of annexation

3. Other relevant information and comments:

Prepared by: Jim Czaplicki  
 Title: Lead Land Records Spec.  
 Phone: (608) 267-3529  
 Date: 10/9/15

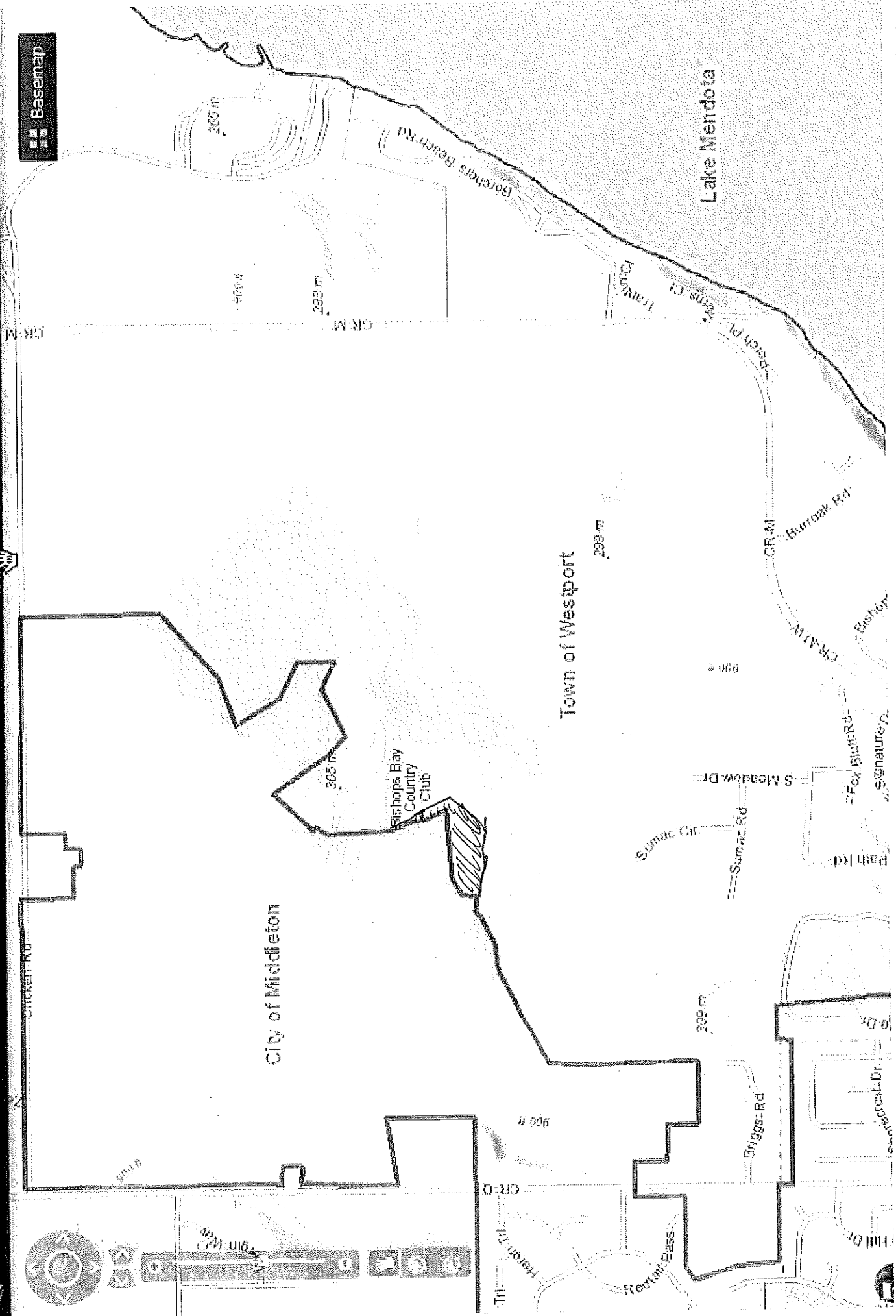
Please **RETURN PROMPTLY** to:  
 Municipal Boundary Review  
 PO Box 1645  
 Madison WI 53701  
 (608) 264-6102 FAX (608) 264-6104  
[wimunicipalboundaryreview@wi.gov](mailto:wimunicipalboundaryreview@wi.gov)

DCIMap

Search Address or PIN

About

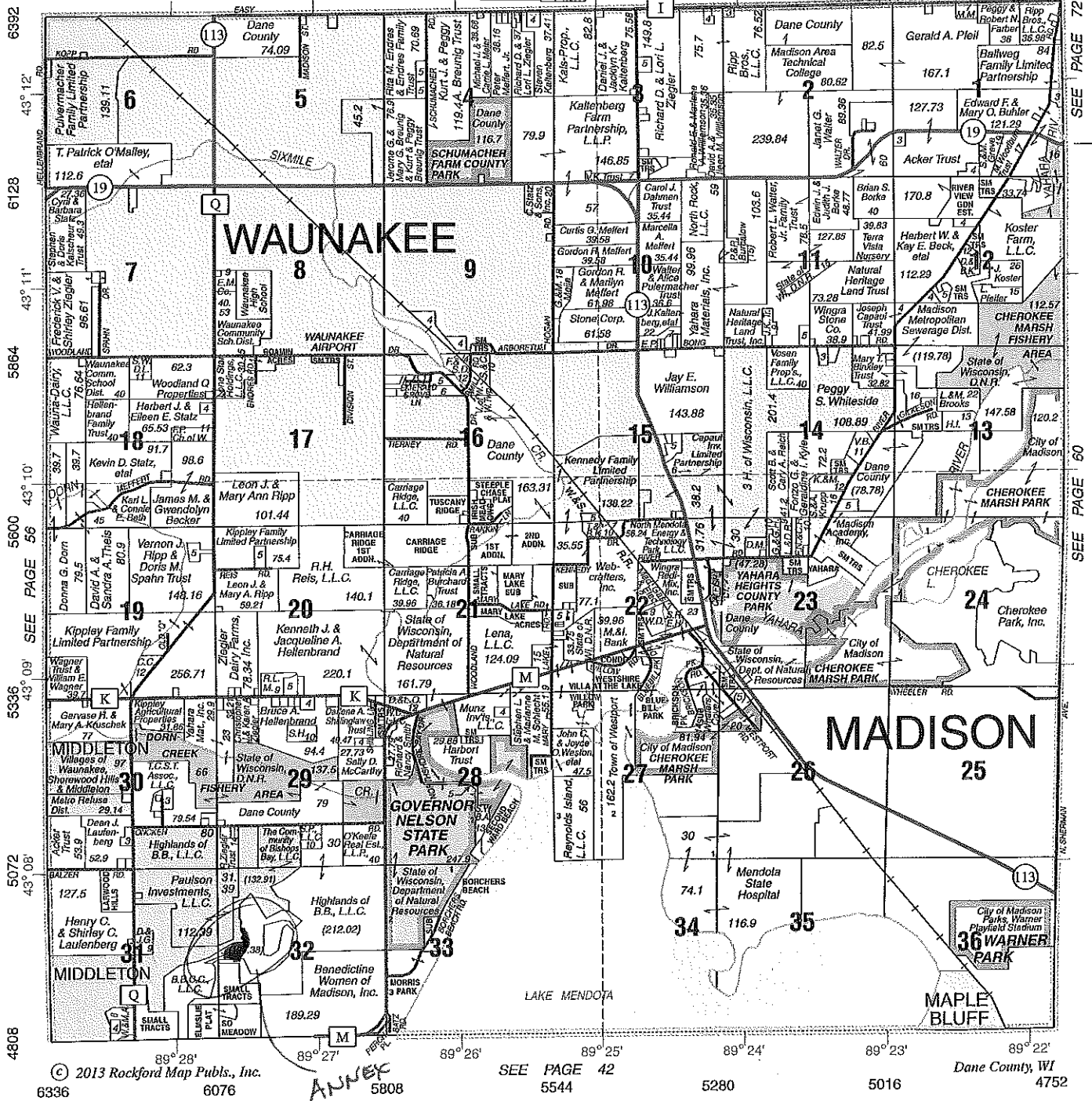
Basemap



NORTH PART WESTPORT

T.8N.-R.9E.

SEE PAGE 70



SEE PAGE 70

SEE PAGE 60

© 2013 Rockford Map Pubs., Inc. SEE PAGE 42  
 6336 6076 ANNEX 5808 5544 5280 5016 4752  
 89° 28' 89° 27' 89° 26' 89° 25' 89° 24' 89° 23' 89° 22'

**Premier Builders INC**  
 Business 608-849-6770 • Fax 608-849-6771  
[www.premierbuildersinc.com](http://www.premierbuildersinc.com)  
 102 North Holiday Drive • Waunakee, Wisconsin 53597

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13891



**Legend**

- Quarter-Quarter
- Cities, Towns & Villages
- City
- Village
- Civil Town
- Rivers and Streams
- Open Water

**Notes**



1: 10,506

0.3 Miles

0.17

0

0.3

DISCLAIMER: The information shown on these maps has been obtained from various sources, and are of varying age, reliability and resolution. These maps are not intended to be used for navigation, nor are these maps an authoritative source of information about legal land ownership or public access. No warranty, expressed or implied, is made regarding accuracy, applicability for a particular use, completeness, or legality of the information depicted on this map. For more information, see the DNR Legal Notices web page: <http://dnr.wi.gov/org/legal/>



## Sime, Don R - DOA

---

**From:** Sime, Don R - DOA  
**Sent:** Tuesday, October 13, 2015 2:52 PM  
**To:** 'legal@bishopsbaycommunity.com'  
**Cc:** 'jpdq@me.com'; 'pknu@vierbicher.com'  
**Subject:** BBCC, LLC annexation to Middleton  
**Attachments:** 13891\_20151013\_review\_letter.pdf

Per your request, attached DOA Municipal Boundary Review determination letter for annexation of lands into the City of Middleton. We find no issues with the proposed annexation.

Regards

Don Sime, PLS  
Plat Review/MBR  
608-266-3200



**WISCONSIN DEPARTMENT OF  
ADMINISTRATION**

SCOTT WALKER  
GOVERNOR  
SCOTT A. NEITZEL  
SECRETARY

**Municipal Boundary Review**  
PO Box 1645, Madison WI 53701  
Voice (608) 264-6102 Fax (608) 264-6104  
Email: [wimunicipalboundaryreview@wi.gov](mailto:wimunicipalboundaryreview@wi.gov)  
Web: <http://doa.wi.gov/municipalboundaryreview/>

October 13, 2015

PETITION FILE NO. 13891

LORIE J. BURNS, CLERK  
CITY OF MIDDLETON  
7426 HUBBARD AVE  
MIDDLETON, WI 53562-3118

THOMAS G. WILSON, CLERK  
TOWN OF WESTPORT  
5387 MARY LAKE RD  
WAUNAKEE, WI 53597-9128

Subject: BBCC, LLC ANNEXATION

The proposed annexation submitted to our office on October 02, 2015, has been reviewed and found to be in the public interest. In determining whether an annexation is in the public interest, s. 66.0217 (6), Wis. Stats. requires the Department to examine "[t]he shape of the proposed annexation and the homogeneity of the territory with the annexing village or city and any other contiguous village or city...." so as unincorporated land transitions to city or village status, the resulting boundaries are rational and easy for jurisdictions and residents to follow. The subject petition is for territory that is reasonably shaped and contiguous to the **CITY OF MIDDLETON**.

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 Department of Administration. 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: 13891**

Mail these documents to:

Wisconsin Department of Administration  
Municipal Boundary Review  
PO Box 1645  
Madison WI 53701-1645

Please call me at (608) 264-6102, should you have any questions concerning this annexation review.

Sincerely,

Erich Schmidtke, Municipal Boundary Review

cc: petitioner