

Request for Annexation Review

Wisconsin Department of Administration

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

Petitioner Information

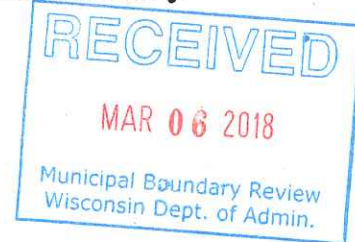
Name: Kwik Trip, Inc. Store #494 c/o Mr. Hans Zietlow

Address: W6782 Abbey Road

Onalaska, WI 54650

Email: HZietlow@kwiktrip.com

Office use only:



1. Town where property is located: Town of Onalaska

2. Petitioned City or Village: City of Onalaska

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: ~0.45 acres

6. Tax parcel number(s) of territory to be annexed: 10-2323-0
(if the territory is part or all of an existing parcel): 10-2324-0
10-2325-0

Petitioners phone:

608 - 793 - 6200

Town clerk's phone:

608-783-4958

City/Village clerk's phone:

608-781-9530

Contact Information if different than petitioner:

Representative's Name and Address:

Mr. Hans Zietlow

Director of Real Estate

Kwik Trip, Inc.

La Crosse, WI 54602

City State Zip

Phone: 608 - 793 - 6200

E-mail: HZietlow@kwiktrip.com

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

AFFIDAVIT OF CIRCULATOR

I, Hans Zietlow being duly sworn, state: I reside at
 (INSERT PERSONAL ADDRESS) 1830 Alpine Place, Onalaska, WI 54650, Wisconsin.

I personally circulated the attached petition in the town(s) of Onalaska,
La Crosse County, Wisconsin, commencing on the 20th day
 of February, 20 18 and terminating on the 20th day of
February, 20 18, and personally obtained each signature on this petition. I

know that each person who signed is an elector or owner of the property located in the territory proposed
 for annexation and signed the petition with full knowledge of its content of the date indicated opposite his
 or her name. I know their respective residences given. I reside in the area described above. I am aware
 that falsifying this affidavit is punishable under Sections 12.13(3)(a) and 946.32(1)(a) of the Wisconsin
 statutes.

Subscribed and sworn to before me this

20 day of FEBRUARY, 20 18.

Wendy A. Balasik

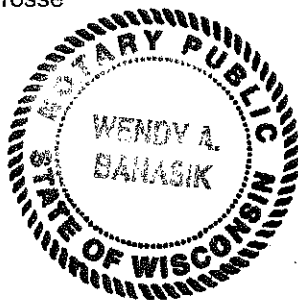
Notary Public

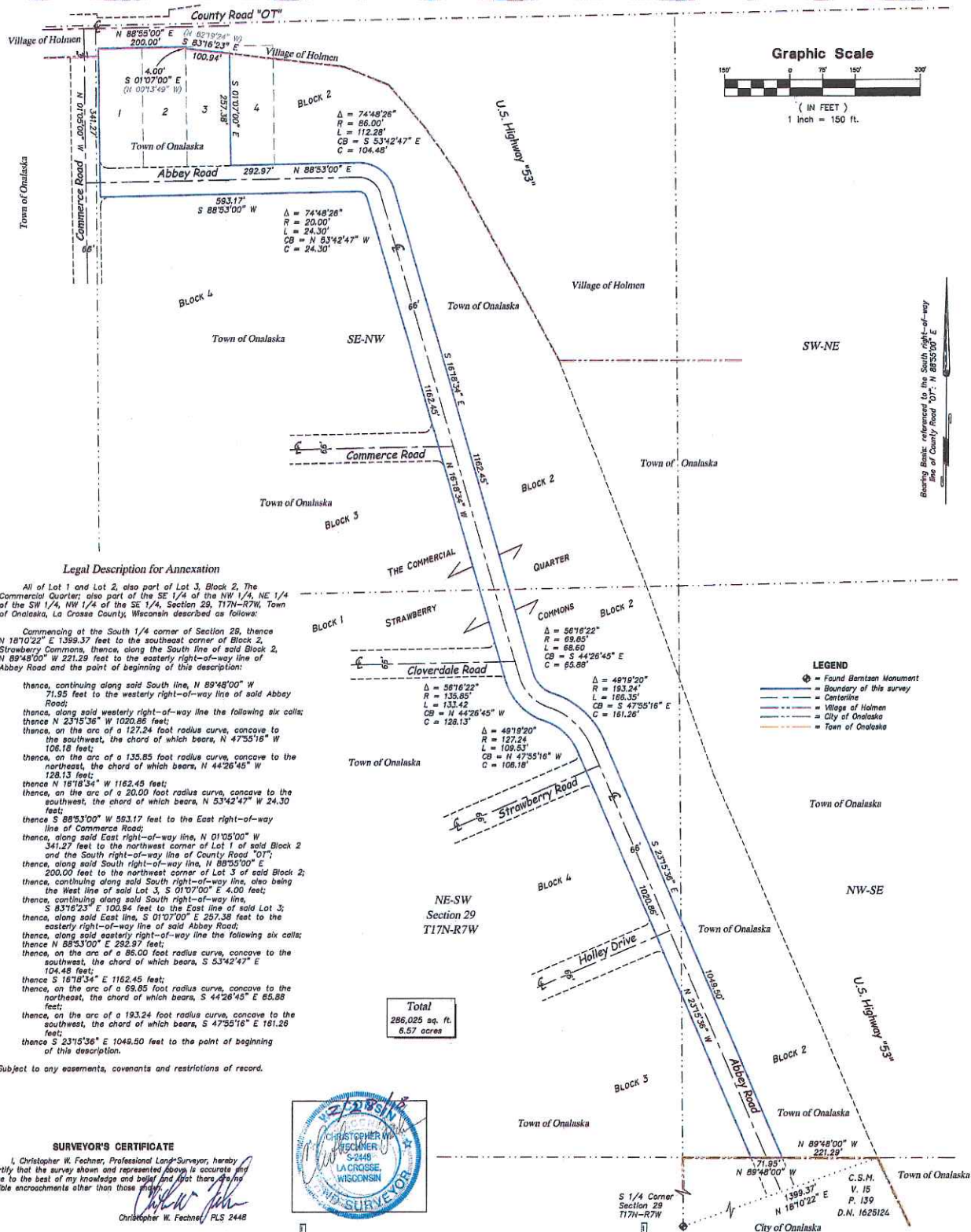
State: WI

Expires: 4-12-2019

County: La Crosse

Hans Zietlow
 Signature of Circulator





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 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

1135355

\$950

KWIK TRIP, INC

~~3/6~~

2/22

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



SCOTT WALKER
GOVERNOR
ELLEN NOWAK
SECRETARY

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

March 07, 2018

PETITION FILE NO. 14099

CAROLINE L. BURMASTER, CLERK
CITY OF ONALASKA
415 MAIN ST
ONALASKA, WI 54650-2953

MARY RINEHART, CLERK
TOWN OF ONALASKA
N5589 COMMERCE ROAD
ONALASKA, WI 54650-9266

Subject: KWIK TRIP 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 ONALASKA to the CITY OF ONALASKA (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 March 26, 2018. 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

PETITION # 14099

REAL PROPERTY LISTERS ANNEXATION REVIEW

1. Territory to be annexed: Kwik Trip Store #494 | From Town of: Onalaska | To City/Village of: Onalaska
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
- (2) Contiguous with existing village/city boundaries only by Abbey Rd that is being annexed
- (3) Creates an island area in Township (completely surrounded by city) only connected to Town by US Hwy 53
- (4) Creates an island area in City (completely surrounded by town)

Petition and Map Information

- (1) Identify owner(s) of annexed land we have owners as Convenience Store Investment NKA KT Real Estate Holdings LLC only connected to City by Abbey Rd that is being annexed
- Y (2) Identify parcel ID numbers included in annexation.
- N/A (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
- Y (7) Legend
- Y (8) Total area/acreage of annexation

3. Other relevant information and comments:

This annexation appears to be connected to the City of Onalaska only by the annexation of Abbey Road. The Three lots of Kwik Trip being annexed are actually contiguous to the Village of Holmen on the North.

* See Notes Above.

Prepared by: Pam Hollnagel
Title: Real Property Lister
Phone: 608-785-5510
Date: 3/12/18

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

Annexation Review Questionnaire

Wisconsin Department of Administration

WI Dept. of Administration
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PO Box 1645
Madison WI 53701
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Petitioner: **Kwik Trip Inc.**

Petition Number: **14099**

1. Territory to be annexed: From **TOWN OF ONALASKA**

To **CITY OF ONALASKA**

2. Area (Acres): **26.57 acres**

3. Pick one: ☐ Property Tax Payments

OR ☒ Boundary Agreement

a. Annual town property tax on territory to be annexed:

\$ _____

a. Title of boundary agreement

b. Year adopted **2016**

b. Total that will be paid to Town

(annual tax multiplied by 5 years): _____

c. Participating jurisdictions **City of Onalaska, Village of Holmen, b**

c. Paid by: ☐ Petitioner ☐ City ☐ Village

☐ s.66.0307 ☐ s.66.0225 ☒ s.66.0301

☐ Other: _____

4. Resident Population: Electors: **0** Total: **0**

5. Approximate **present land use** of territory:

Residential: _____% Recreational: _____% Commercial: **100**% Industrial: _____%

Undeveloped: _____%

6. If territory is undeveloped, what is the **anticipated use**?

Residential: _____% Recreational: _____% Commercial: _____% Industrial: _____%

Other: _____%

Comments: _____

7. Has a ☐ preliminary or ☐ final plat been submitted to the Plan Commission: ☐ Yes ☒ No

Plat Name: _____

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

commercial, residential

In the town?: **commercial**

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

☒ Sanitary sewer

☒ Water supply

☐ Storm sewers

☐ Police/Fire protection

☐ EMS

☐ Zoning

Other _____

10. Is the city/village or town capable of providing needed utility services?

City/Village ☒ Yes ☐ No Town ☐ Yes ☒ No

If yes, approximate timetable for providing service:

Sanitary Sewers immediately

or, write in number of years.

City/Village

☐

1.5 years

Town

☐

Water Supply immediately

or, write in number of years.

☐

1.5 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: _____

11. Planning & Zoning:

a. Do you have a comprehensive plan for the City/Village/Town? ☒ Yes ☐ No

Is this annexation consistent with your comprehensive plan? ☒ Yes ☐ No

b. How is the annexation territory now zoned? Commercial

c. How will the land be zoned and used if annexed? immediately R-1 upon annexation, intend to rezone to B-1 (commercial) for gas station

12. Elections: ☐ New ward or ☒ Existing ward? Will the annexation create a new ward or join an existing ward? For more information, please contact the Wisconsin Election Commission at (608) 266-8005, elections@wi.gov or see their annexation checklist here: <http://elections.wi.gov/forms/el-100>

Ward 1 Dist 1

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

Prepared by: ☐ Town ☒ City ☐ Village

Name: Katie Aspenson

Email: Kaspenson@cityofonalaska.com

Phone: 608-781-9590

Date: 3/

(March 2018)

Please **RETURN PROMPTLY** to:

wimunicipalboundaryreview@wi.gov

Municipal Boundary Review

PO Box 1645, Madison WI 53701

Fax: (608) 264-6104

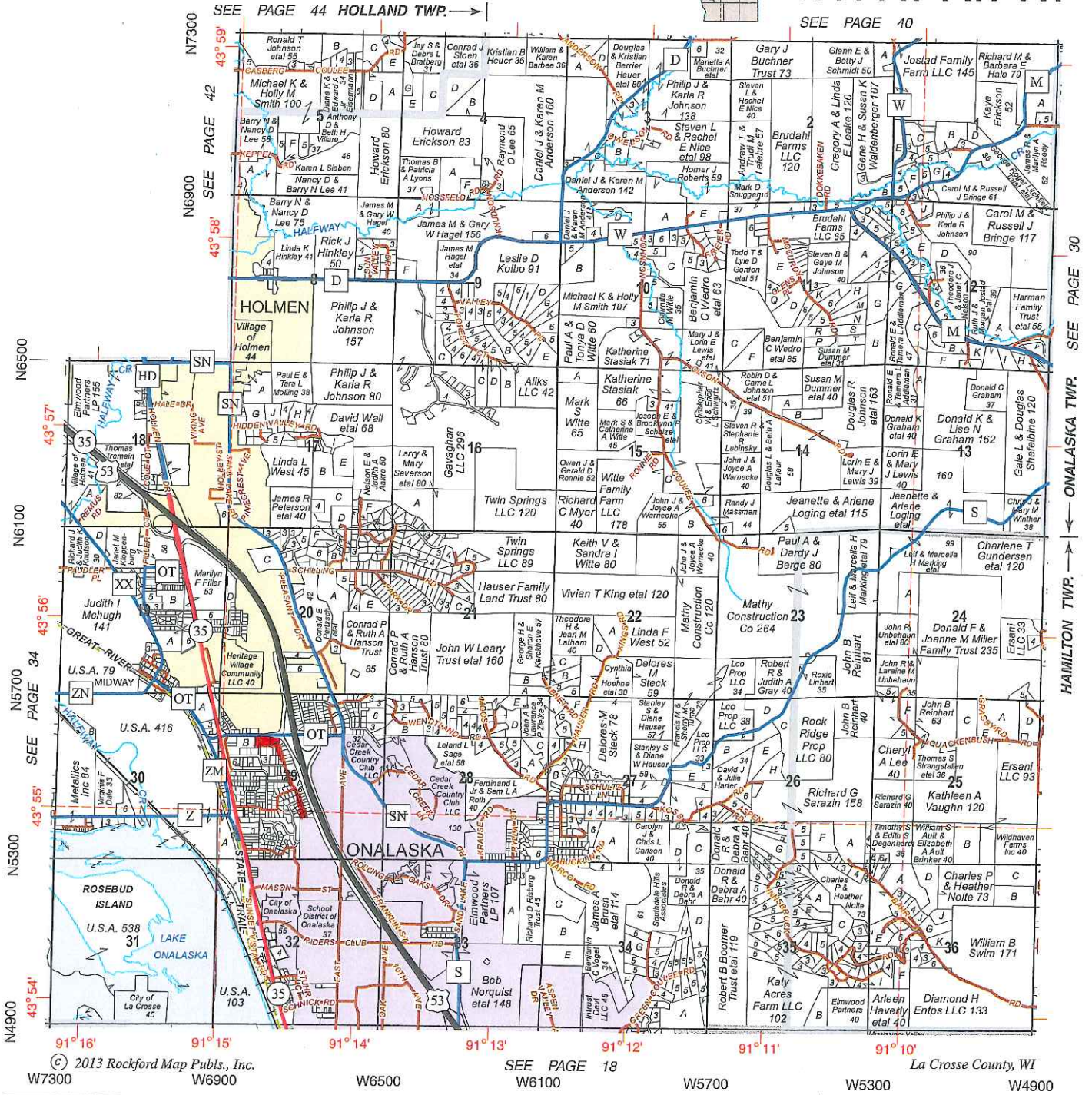
EAST PART ONALASKA

NORTHWEST PART HAMILTON

SOUTHWEST PART HOLLAND

T.17N.-R.7W.

Refer to page 53 for keyed parcels



© 2013 Rockford Map Pubs., Inc.

SEE PAGE 18

La Crosse County, WI



The Bank with "BankAbility"

www.usbwestsalem.com
Two West Salem Locations
Downtown - 786-0600 & Hwy. 16 - 786-6200



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SCOTT WALKER

GOVERNOR

ELLEN NOWAK

SECRETARY

Municipal Boundary Review

PO Box 1645, Madison WI 53701

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

Email: wimunicipalboundaryreview@wi.gov

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

March 28, 2018 (Corrected)

PETITION FILE NO. 14099

CAROLINE L. BURMASTER, CLERK
CITY OF ONALASKA
415 MAIN ST
ONALASKA, WI 54650-2953

MARY RINEHART, CLERK
TOWN OF ONALASKA
N5589 COMMERCE ROAD
ONALASKA, WI 54650-9266

Subject: KWIK TRIP INC. ANNEXATION

The proposed annexation submitted to our office on March 06, 2018, has been reviewed and found to be against 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...." so as, to ensure the resulting boundaries are rational and compact. The statute also requires the Department to consider whether the annexing city or village can provide needed municipal services to the territory.

Based on the petitioner's map and legal description, the subject territory is not contiguous to the City 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. Stats. to prevent "leap frog" annexation and reduce crazy-quilt jurisdictional boundaries by facilitating the orderly annexation of territory.

In this instance, contiguity of the primary annexation parcel Lots 1, 2, and part of Lot 3 is achieved only by including a 1/2 mile long strip of Abbey Road right-of-way. This 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 Supreme Court has consistently held that this type of annexation does not coincide with the legislative intent of ch. 66, Wis. Stats., (see *Mt. Pleasant v. Racine*¹, *Town of Fond du Lac v. City of Fond du Lac*², and *Incorporation of the Town of Pewaukee*³) because it creates incoherent boundaries that are difficult for both the City and the Town to administer, for state, federal, and regional jurisdictions to follow, and for local residents and businesses to understand.

This situation is mitigated by the fact that the City has developed boundary agreements with the Town of Onalaska and the neighboring Village of Holmen which will result in municipal boundary lines within this area ultimately becoming compact and rational. These two boundary agreements are the *Onalaska, Village of Holmen, and Town of Onalaska Boundary Agreement* under s. 66.0301 Wisconsin Statutes, and the *City of Onalaska and Village of Holmen Cooperative Boundary Plan*, under s. 66.0307 Wis. Stats.

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 administration a

¹ *Mt. Pleasant v. Racine*, 24 Wis.(2d) 41 (1964). *Town of Fond du Lac v. City of Fond du Lac*, 22 Wis.(2d) 533 (1964).

² *Town of Fond du Lac v. City of Fond du Lac*, 22 Wis.(2d) 533 (1964).

³ *Incorporation of the Town of Pewaukee*, 186 Wis.(2d) 515 (1994)

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 include your MBR number 14099 with your ordinance.** Ordinance filing checklist available at <http://mds.wi.gov/>, click on "Help on How to Submit Municipal Records". Email scanned copy of required materials (color scan maps with color) to mds@wi.gov or mail to: Wisconsin Department of Administration, Municipal Boundary Review, PO Box 1645, Madison WI 53701-1645.

The petition file is available for viewing at: <http://mds.wi.gov/View/Petition?ID=2172>
Please call me at (608) 264-6102, should you have any questions concerning this annexation review.

Sincerely,

A handwritten signature in black ink, appearing to read "Erich Schmidtke", with a stylized flourish at the end.

Erich Schmidtke, Municipal Boundary Review

cc: petitioner