

14218

Dvorak Investments II, LLC

14218	Date Sent	Reply	Status
Town Quest	5/29	6-4	
Muni Quest	5/29	6-11	
Prop. Lister	5/29		

TOWN OF DUNN
CITY OF STOUGHTON
06/17/2019

N/O 6/17/19

Request for Annexation Review

14218

Wisconsin Department of Administration

WI Dept. of Administration
Municipal Boundary Review
PO Box 1645, Madison WI 53701
608-264-6102 Fax: 608-264-6104
wimunicipalboundaryreview@wi.gov
<http://doa.wi.gov/municipalboundaryreview>

Petitioner Information

Name: **DVORAK INVESTMENTS II, LLC**

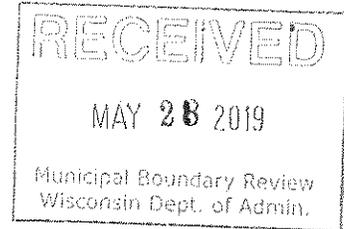
Address: **ATTN: ROBERT DVORAK**

1081 EAGLE COURT

EDGERTON, WI 53534

Email: **BOB@RHDPROPERTIES.COM**

Office use only:



Petitioners phone:

608-712-2048

Town clerk's phone:

608-838-1081

City/Village clerk's phone:

608-873-6677

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

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

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: **59.355**

6. Tax parcel number(s) of territory to be annexed
(if the territory is part or all of an existing parcel):

028/061038480011 AND 028/061036196516

Contact Information if different than petitioner:

Representative's Name and Address:
RUMPF LAW OFFICE, S.C.

ATTN: MICHAEL D. RUMPF

PO BOX 1

CAMBRIDGE, WI 53523

Phone: **608-423-3254**

E-mail: **MRUMPF@RUMPFLAW.COM**

Surveyor or Engineering Firm's Name & Address:
MSA PROFESSIONAL SERVICES, INC.

ATTN: BRAD REENTS

2901 INTERNATIONAL LANE #300

MADISON, WI 53704

Phone: **608-242-7779**

E-mail: **BREENTS@MSA-PA.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.

Required Fees

There is an initial filing fee and a variable review fee

14218

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

\$1000 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

\$1350 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: 5/23/19

Payee: RHD FAMILY LTD PARTNERSHIP

Check Number: 2157

Check Date: 5/17

Amount: 4350

ANNEXATION SUBMITTAL GUIDE

14218

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 only 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 adjoiningers 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.]



152 W. Main Street | P.O. Box 1 | Cambridge, WI 53523
608.423.3254 | fax 608.423.4570

Michael D. Rumpf
mrumpf@rumpflaw.com

14218

May 20, 2019

Town of Dunn
ATTN: Town Clerk
4156 County Road B
McFarland, WI 53558

RE: Dvorak Investments II, LLC

Town Clerk:

Enclosed please find a unanimous petition for direct annexation under Section 66.0217(2) Wis. Stats.

Please process.

Very truly yours,



Michael D. Rumpf
MDR/s
Encl.



152 W. Main Street | P.O. Box 1 | Cambridge, WI 53523
608.423.3254 | fax 608.423.4570

Michael D. Rumpf
mrumpf@rumpflaw.com

14213

May 20, 2019

City of Stoughton
ATTN: City Clerk
381 E. Main Street
Stoughton, WI 53589

RE: Dvorak Investments II, LLC

City Clerk:

Enclosed please find a unanimous petition for direct annexation under Section 66.0217(2) Wis. Stats.

Please process.

Please advise of upcoming meetings to discuss the annexation.

Very truly yours,


Michael D. Rumpf

MDR/s

Encl.

cc: Rodney Scheel, Planning and Development
Town of Dunn
WI Dept. of Administration – Municipal Boundary Review

Schmidtke, Erich J - DOA

From: Bob Dvorak <Bob@rhdproperties.com>
Sent: Tuesday, May 28, 2019 4:38 PM
To: Schmidtke, Erich J - DOA
Subject: Re: Annexation
Attachments: Scan_0048.pdf

Erich

Attached DOT round-a-bout 51 and CTYB Stoughton

Let me know how else I can help

Thanks
Bob

Robert H Dvorak | 608-712-2048



RHD Properties

From: Schmidtke, Erich J - DOA <Erich.Schmidtke@wisconsin.gov>
Sent: Tuesday, May 28, 2019 10:37 AM
To: Bob Dvorak
Subject: Annexation

Hello Robert,

When you have a free moment, could you give me a call regarding your proposed annexation to the City of Stoughton?

My question pertains to your scale map, which looks like there's a little L-Shaped Lot in the middle of your annexation parcel that maybe you're not including as part of the annexation.

Thank you,
Erich



152 W. Main Street | P.O. Box 1 | Cambridge, WI 53523
608.423.3254 | fax 608.423.4570

Michael D. Rumpf
mrumpf@rumpflaw.com

14218

May 20, 2019

WI Dept. of Administration
Municipal Boundary Review
PO Box 1645
Madison, WI 53701

RE: Dvorak Investments II, LLC

Municipal Boundary Review:

Enclosed please find the following:

1. Request for Annexation Review.
2. Unanimous petition for direct annexation under Section 66.0217(2) Wis. Stats.
3. Annexation Submittal Guide.
4. Check in the amount of \$1,350.00.
5. Copy of Letter to City of Stoughton.
6. Copy of Letter to Town of Dunn.

Please process.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael D. Rumpf", is written over the typed name.

Michael D. Rumpf

MDR/s

Encl.

cc: Rodney Scheel, Planning and Development

**UNANIMOUS PETITION FOR DIRECT ANNEXATION
UNDER § 66.0217(2), WIS. STATS.**

To the City Council of the City of Stoughton, Dane County, Wisconsin:

1. The undersigned hereby petition for direct annexation of the territory legally described on Exhibit A attached hereto to the City of Stoughton, Dane County, Wisconsin, whereby said territory would be detached from the Town of Dunn, Dane County, Wisconsin, pursuant to § 66.0217(2), Wis. Stats.
2. Attached hereto as Exhibit B is a scale map which accurately reflects the legal description of the property to be annexed and the boundary of the annexing the City and includes a graphic scale on the face of the map.
3. The current population of the territory proposed to be annexed is 0.
4. This petition has been signed by the owners of all of the land within the territory proposed to be annexed, and by all of the electors residing within the territory proposed to be annexed.

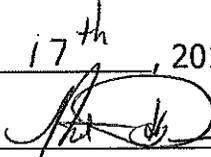
Owners of All Lands Within the Territory Proposed
to be Annexed:

Name of Owner: Dvorak Investments II, LLC

Address of Owner: 1081 Eagle Court
Edgerton, WI. 53534

Date of Signing: May 17th, 2019

Signature:

By: 
Robert H. Dvorak,
Authorized Member



TONY EVERS
GOVERNOR
JOEL BRENNAN
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>

May 29, 2019

PETITION FILE NO. 14218

HOLLY LICHT, CLERK
CITY OF STOUGHTON
381 E MAIN ST
STOUGHTON, WI 53589-1724

CATHY HASSLINGER, CLERK
TOWN OF DUNN
4156 COUNTY RD B
MC FARLAND, WI 53558-9754

Subject: DVORAK INVESTMENTS II, 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 DUNN to the CITY OF STOUGHTON (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 June 17, 2019. 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 Lister 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>

Petition Number:

1. Territory to be annexed:	From Town of: Dunn	To City/Village of: Stoughton
-----------------------------	--------------------	-------------------------------

2. Is the annexation location described by government lot, recorded private claim, ¼ section, section, township & range?
 Yes No

3. Is the annexation contiguous with the existing city/village boundaries?
 Yes No

4. Will the annexation create an island area in the town (completely surrounded by the city/village)?
 Yes No

5. Will the annexation create an island area in the city/village (completely surrounded by the town)?
 Yes No

6. Does the owner(s) of record match the owner(s) listed on the petition?
 Yes No

7. Other relevant information and comments about the annexation:

This annexation will leave a town island for a Certified Survey Map lot owned by Sandra M. Harrington Singleton.

Prepared by:

Name: Jim Czaplicki

Email: czaplicki@countyofdane.com

Phone: (608) 267-3529

Date: 5/30/19

Please **RETURN PROMPTLY** to:

wimunicipalboundaryreview@wi.gov

Municipal Boundary Review
PO Box 1645, Madison WI 53701

Fax: (608) 264-6104

Annexation Review Questionnaire

Wisconsin Department of Administration

WI Dept. of Administration
Municipal Boundary Review
PO Box 1645
Madison WI 53701
608-264-6102 Fax: 608-264-6104
wimunicipalboundaryreview@wi.gov
<http://doa.wi.gov/municipalboundaryreview>

Petitioner: Dvorak Investments II, LLC

Petition Number: 14218

1. Territory to be annexed: From TOWN OF DUNN

To CITY OF STOUGHTON

2. Area (Acres): 59.355

3. Pick one: Property Tax Payments

OR Boundary Agreement

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

\$ 149.23 + 174.40 = \$323.93

a. Title of boundary agreement _____

b. Year adopted _____

b. Total that will be paid to Town

(annual tax multiplied by 5 years): \$1,619.65

c. Participating jurisdictions _____

c. Paid by: Petitioner City Village

d. Statutory authority (pick one)

s.66.0307 s.66.0225 s.66.0301

Other: _____

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

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

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

Undeveloped: 100 %

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

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

Other: 100%

Comments: The Town has not been informed of proposed uses if annexed, however, the parcels are within Stoughton's Future Land Use Map which depicts the parcels being used as mixed use areas.

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?

Undeveloped agriculture

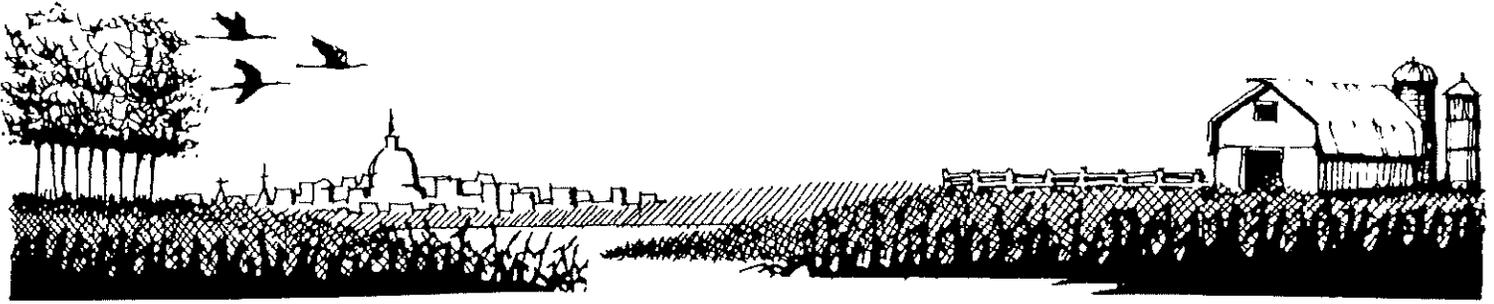
In the town?: Agriculture

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: The Town contracts with the Dane County Sheriff's Department and Stoughton Fire & EMS to service these parcels. The Town has not been notified of any additional need for basic services.



TOWN OF DUNN - 4156 COUNTY ROAD B, McFARLAND, WI 53558

Website: <http://town.dunn.wi.us>

E-mail: townhall@town.dunn.wi.us

Phone: (608) 838-1081

Fax: (608) 838-1085

Regarding Annex Petition Number 14218

June 5, 2019

Dear Erich Schmidtke, Department of Administration

The Town is opposed to the annexation of parcel numbers 0610-364-8001-1 and 0610-361-96516 as the Town believes annexation is against public interest for the following reasons:

1. The application does not meet the requirements as a unanimous petition under 66.0217(2), Wis. Stats., since the proposed annexation lands encompasses Department of Transportation lands (PID # 0610-361-9840-7), for which no signature has been provided.
2. The annexation proposal depicts the creation of a Town island (PID # 0610-364-8020-8) and no boundary agreement between the Town and the City of Stoughton has been established.
3. The proposed area to be annexed is roughly half-a-mile away from the City's current residential boundary, thus meaning in order to provide water or sewer services to the area, the Urban Service Area of Stoughton must be extended, likely resulting in an increase of tax payer burden due to the addition of infrastructure and its associated costs.
4. There is already 185 acres of undeveloped land in the adjacent area and within the City of Stoughton. These lands lie between the proposed annexation territory and the current residential boundary and are closer to the urban service boundary than the proposed annexation area. In order to promote well-planned, high-quality, and compact urban development, development should be focused on areas immediately adjacent to the City of Stoughton's urban service boundary, rather than perpetuating sprawling development.
5. Annexation and development of these parcels contradicts the Town's Comprehensive Plan, the Town's Farmland Preservation plan, the City of Stoughton's Comprehensive Plan, and Dane County's Farmland Preservation Plan for the following reasons:
 - a. The parcels are located within the Town's designated Agricultural Preservation Area.
 - b. Dane County's Farmland Preservation Plan incorporates the Town's Comprehensive Plan into their county-wide preservation plan.
 - c. If the parcels are annexed and slated for development, it would fully contradict the City of Stoughton's Comprehensive Plan as their plan states the agricultural landscape surrounding Stoughton enhances the community's aesthetic appeal and reinforces the City's separation from the Madison metropolitan area. It also reports that an important goal of their Plan is to help preserve the extent of integrity of the agricultural "resource as long as possible, while also accommodating well-planned, high-quality, compact urban development." Additional objectives and policies of their plan include:
 - i. Maintain agriculture as a significant economic activity within Stoughton's ETJ area.
 - ii. Protect productive agricultural lands from premature development.
 - iii. Preserve prime agricultural land as a resource for the use and benefit of current and future generations, unless its use for higher density contiguous development can be justified.
 - iv. Work with surrounding communities to encourage an orderly, efficient development pattern that preserves agricultural resources and minimizes conflicts between urban and rural uses.
 - v. Use the City's extraterritorial jurisdiction to control the development of land in the planning area.
 - vi. Encourage the use of agricultural land within the City for agricultural production until a development plan for the land is approved.

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: City/Village Town

Sanitary Sewers immediately
or, write in number of years. _____

Urban Service Area Amendment is necessary before extension of services to this area.
Water Supply immediately Time to provide services is unknown at this time.
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 This area has been factored into growth plans for the City. Sanitary sewer & water infrastructure will need to be extended to this area. Once development plans are submitted, the City will evaluate further.

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? County Zoning - A-1 (EX)

c. How will the land be zoned and used if annexed? Under City Zoning Planned Mixed Use which can include Planned Business, Institutional, Planned Office, Planned Industrial, Multi-Family

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>

13. Other relevant information and comments bearing upon the public interest in the annexation: The proposed annexation area is planned to be part of the City of Stoughton in our Comprehensive Plan.

Prepared by: Town City Village
Name: Rodney Scheel
Email: rscheel@ci.stoughton.wi.us
Phone: (608) 873-6619
Date: 6/10/19

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

(March 2018)

14218

**Dvorak Investments II, LLC
Annexation Legal Description**

Parcel 1:

The Northeast ¼ of the Southeast ¼ and a part of the Southeast ¼ of the Northeast ¼ of Section 36, Township 6 North, Range 10 East in the Town of Dunn, Dane County, Wisconsin, EXCEPTING Lot 1 of Certified Survey Map No. 8634 recorded in Volume 47, Pages 224-225 as Document No. 2869955. More particularly described as follows:

Beginning at the East ¼ corner of said Section 36; thence South 01°22'47" West along the East line of the Southeast ¼ of said Section 36, a distance of 1312.55 feet to the Southeast corner of the said Northeast ¼ of the Southeast ¼; thence North 89°42'12" West along the South line of the said Northeast ¼ of the Southeast ¼, a distance of 1311.99 feet to the Southwest corner of the said Northeast ¼ of the Southeast ¼; thence North 01°11'51" East along the West line of the said Northeast ¼ of the Southeast ¼, a distance of 1319.32 feet to the Northwest corner of the said Northeast ¼ of the Southeast ¼; thence North 01°17'52" East along the West line of the said Southeast ¼ of the Northeast ¼, a distance of 1167.02 feet to a point on the centerline of USH 51; thence North 17°31'08" East, a distance of 91.10 feet to a point on the Northeasterly right-of-way of USH 51 at the intersection of the East right-of-way of Brooklyn Drive; thence along the Northeasterly right-of-way of USH 51 the following courses:

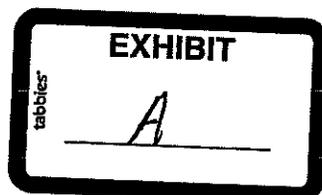
- 1) Thence South 38°41'12" East, a distance of 112.94 feet;
- 2) Thence South 51°30'25" East, a distance of 800.00 feet;
- 3) Thence South 59°38'27" East, a distance of 176.66 feet;
- 4) Thence South 45°04'43" East, a distance of 328.50 feet;
- 5) Thence South 29°00'01" East, a distance of 369.17 feet to a point at the intersection of the North right-of-way of CTH B;

ok

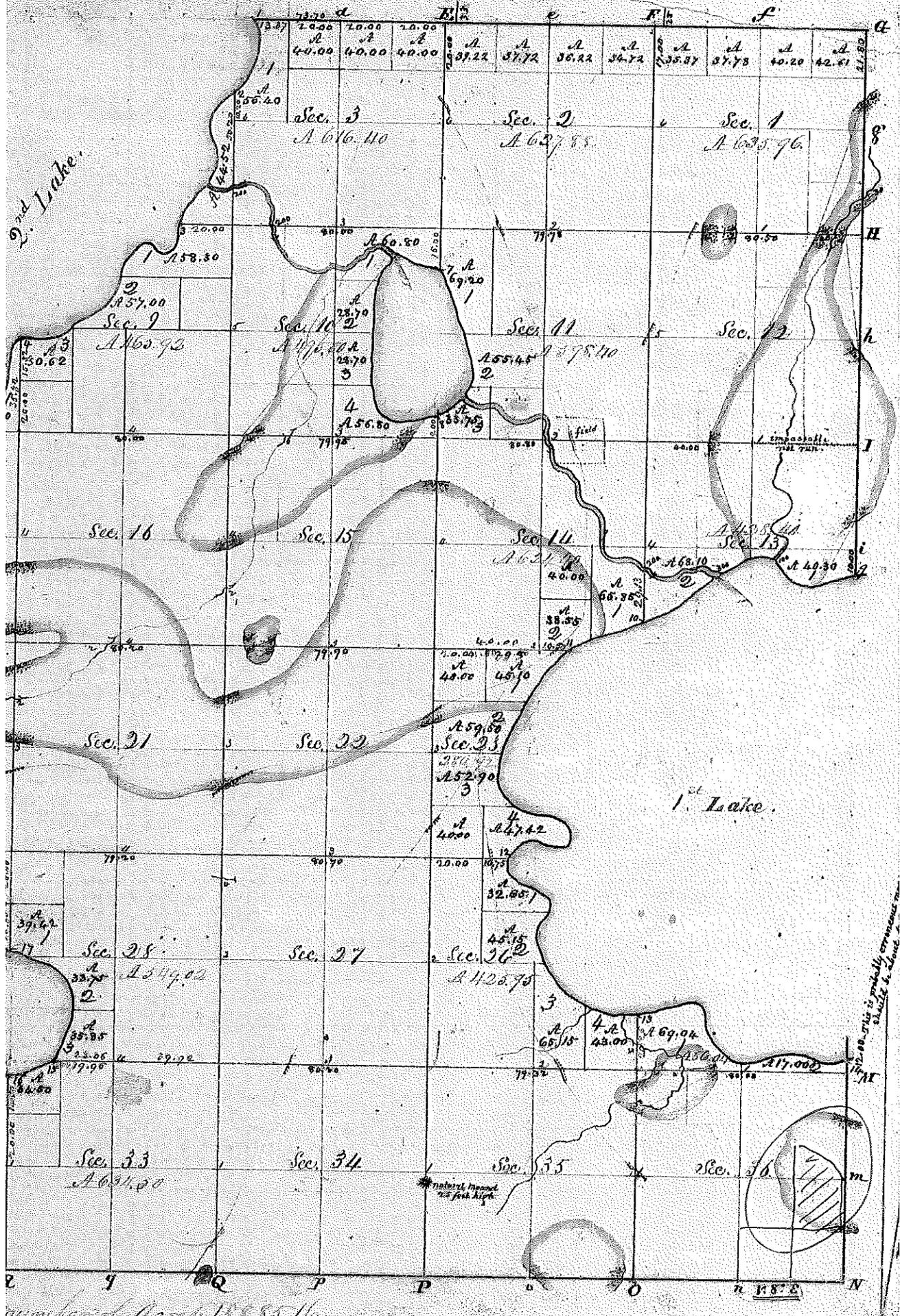
Thence leaving the said right-of-way of USH 51 North 87°13'57" East along the said North right-of-way of CTH B, a distance of 2.42 feet to a point on the East line of the said Southeast ¼ of the Northeast ¼; thence South 01°35'00" West along the said East line of the Southeast ¼ of the Northeast ¼, a distance of 37.15 feet to the Point of Beginning. EXCEPTING therefrom Lot 1 of Certified Survey Map No. 8634 recorded in Volume 47, Pages 224-225 as Document No. 2869955.

Said Parcel contains 2,585,507 square feet or 59.355 acres more or less.

PIN: 028/0610-384-8001-1 AND 028/0610-361-9651-6



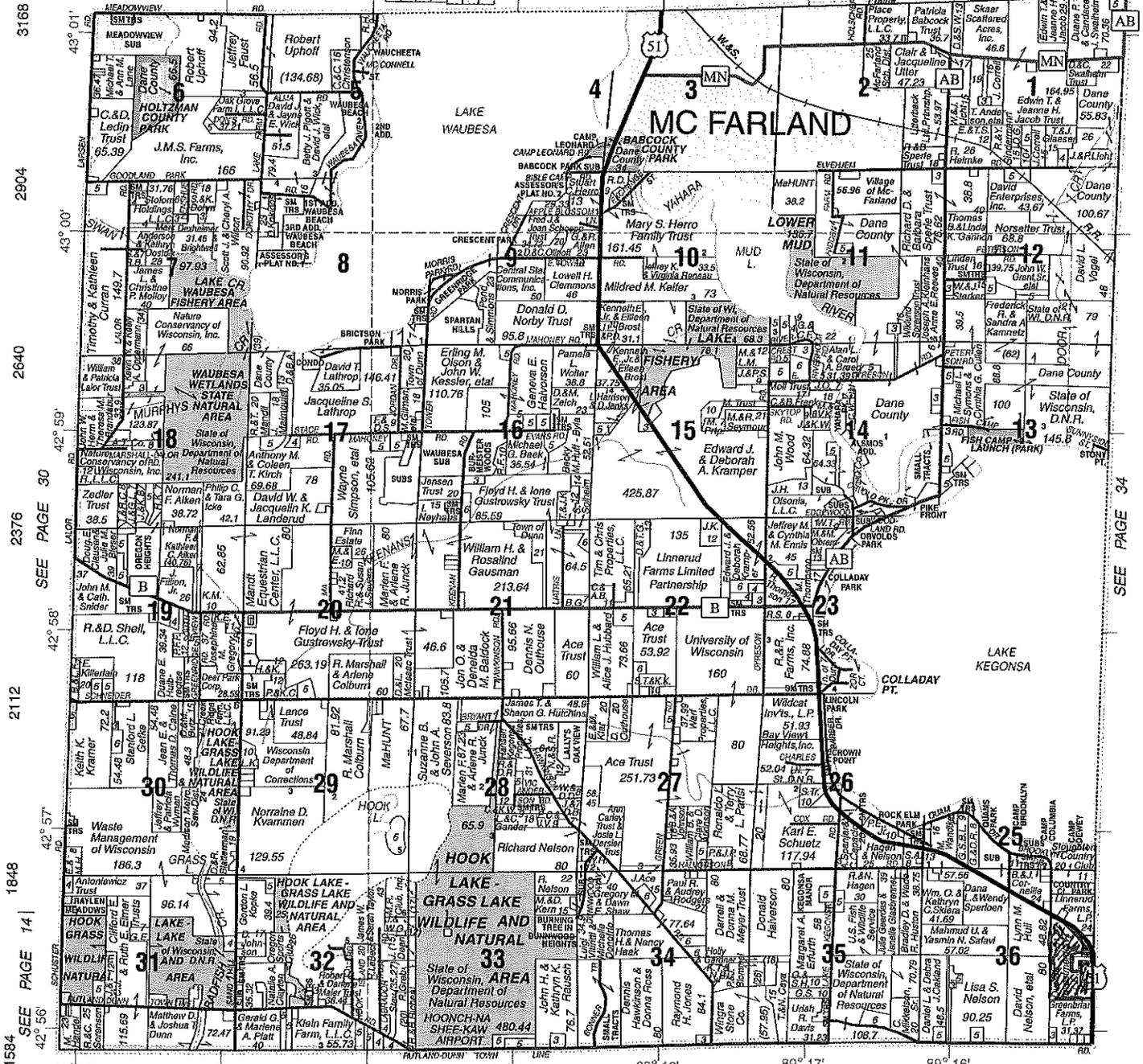
6, Range 10 East 4th Mer. Wis. Ter.



DUNN

T.6N.-R.10E.

SEE PAGE 44



1584 SEE PAGE 14 | 1848 SEE PAGE 30 | 2112 SEE PAGE 30 | 2376 SEE PAGE 30 | 2640 SEE PAGE 30 | 2904 SEE PAGE 30 | 3168 SEE PAGE 30

89° 22' 89° 21' 89° 20' 89° 19' 89° 18' 89° 17' 89° 16'

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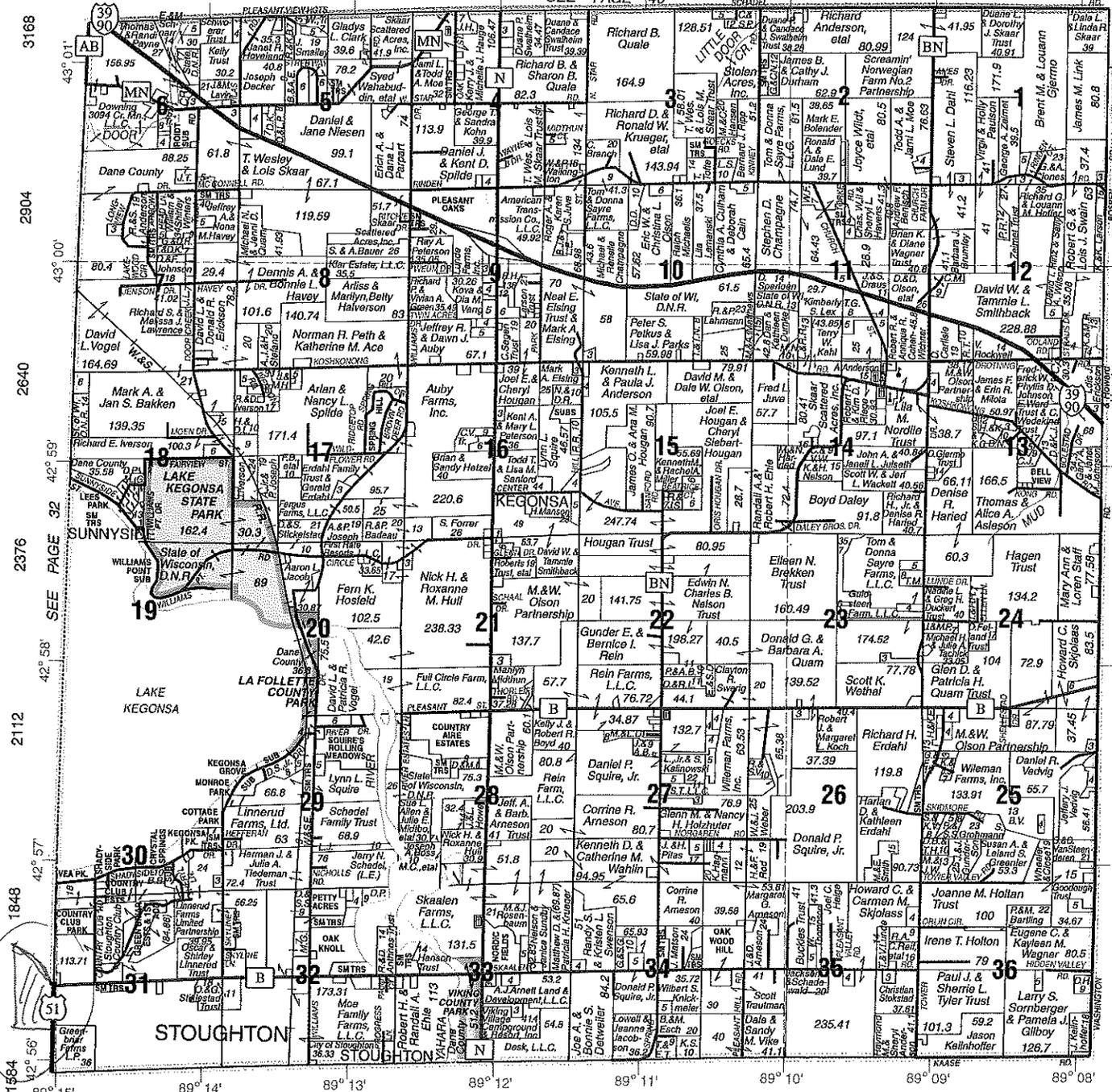
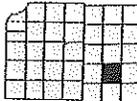
4752 4488 4224 3960 3696 3432 3168

Dane County, WI

PLEASANT SPRINGS

T.6N.-R.11E.

SEE PAGE 146



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YOUR PLEASANT SPRINGS REALTOR

Jan McGee, ABR, Director's Club

(608) 239-0464

jmcgee@StarkHomes.com

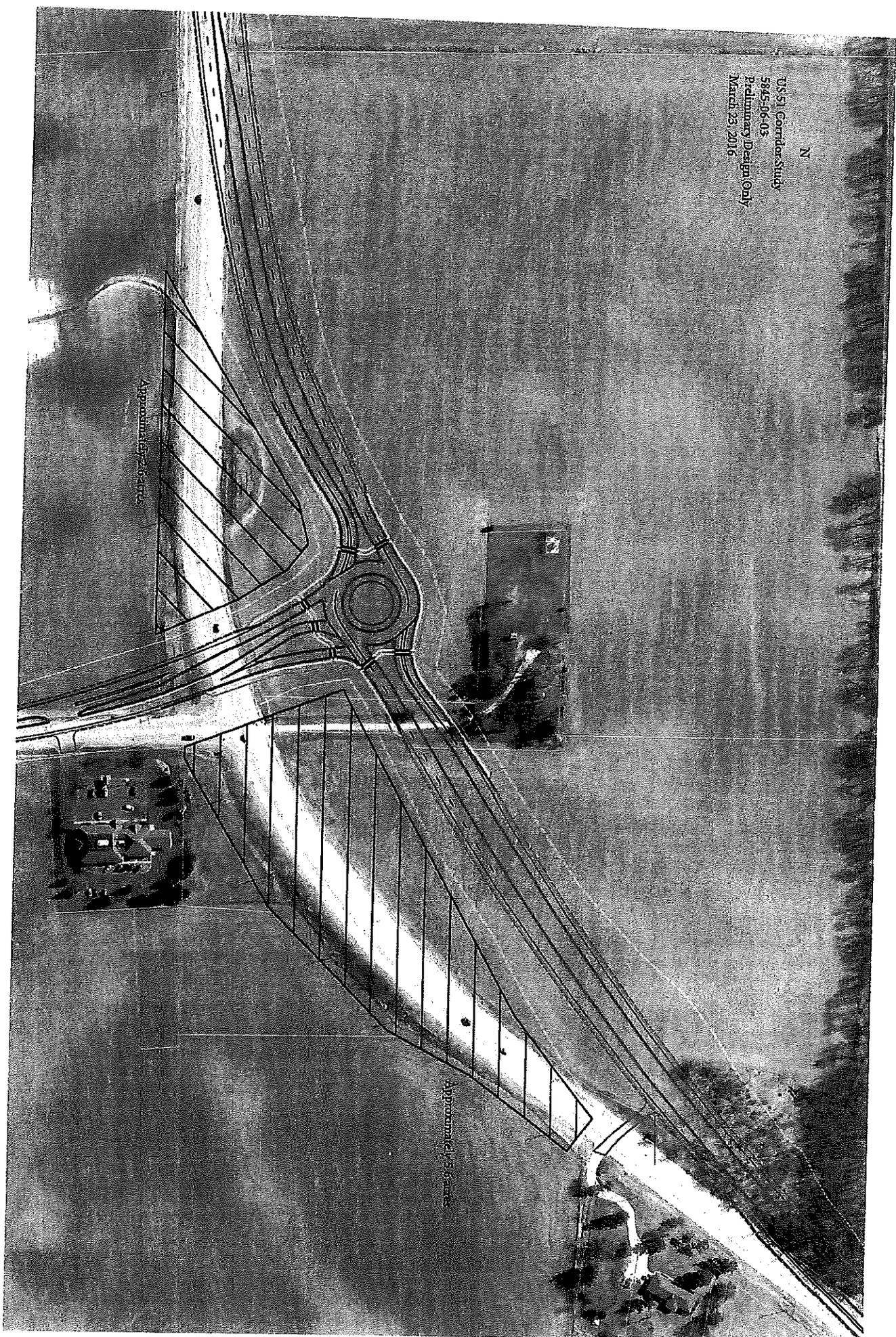


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U.S. 51 Corridor Study
5845-0-6-05
Preliminary Design Only
March 23, 2016

N



Approximately 2.6 miles

Approximately 2.6 miles



TONY EVERS

GOVERNOR

JOEL BRENNAN

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>

June 17, 2019

PETITION FILE NO. 14218

HOLLY LICHT, CLERK
CITY OF STOUGHTON
381 E MAIN ST
STOUGHTON, WI 53589-1724

CATHY HASSLINGER, CLERK
TOWN OF DUNN
4156 COUNTY RD B
MC FARLAND, WI 53558-9754

Subject: DVORAK INVESTMENTS II, LLC ANNEXATION

The proposed annexation submitted to our office on May 28, 2019, 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, among other things, "[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 subject petition is for territory that would create an area of the Town of Dunn that is completely surrounded by the City of Stoughton (a 'Town Island'). Such territory cannot be considered reasonably shaped, rational or homogeneous with the City under the criteria established by statute and case law. Further, annexations that create Town Islands in this manner are expressly prohibited by s. 66.0221 (1), Wisconsin Statutes. Additionally, it is unclear whether the City can provide needed services.

In its questionnaire, the Town points out that in addition to creating an illegal town island, this annexation is contrary to the Town's comprehensive plan, the Town's farmland preservation plan, Dane County's Farmland Preservation Plan, and the City of Stoughton's comprehensive plan. The City disagrees that this annexation is inconsistent with its zoning and comprehensive plan. Both communities agree that this annexation territory lies beyond the City's current Urban Service Area. Therefore, extending municipal sewer and water service will require an amendment to the Urban Service Area. It is unclear when, or whether, an amendment to the Urban Service Area will occur.

The Department recommends that in lieu of this annexation, the City and Town cooperate to develop an intergovernmental boundary agreement between the communities under either ss. 66.0301 or 66.0307 Wis. Stats. Such an agreement could potentially resolve the land use, service, and development issues raised by this annexation and avoid these types of disagreements in the future.

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 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 14218 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=2292>
Please call me at (608) 264-6102, should you have any questions concerning this annexation review.

Sincerely,



Erich Schmidtke, Municipal Boundary Review

cc: petitioner