



"...meeting community needs...enhancing quality of life."

LEGAL SERVICES DEPARTMENT

Office of the City Attorney

100 North Appleton Street

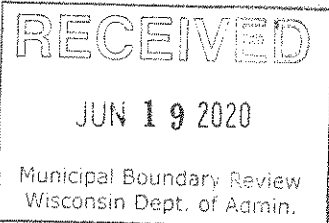
Appleton, WI 54911-4799

Phone: 920/832-6423

Fax: 920/832-5962

June 17, 2020

WI Department of Administration
Municipal Boundary Review
P.O. Box 1645
Madison, WI 53701



**Certified Mail –
Return Receipt Requested**

Re: Annexation
Our File No. A20-0387

To Whom It May Concern:

Enclosed please find a copy of the *Unanimous Petition of Property Owners for Direct Annexation* to the City of Appleton, along with a scale map of the same. This is being referred to as the Trail View Estates South Annexation.

Also enclosed please find a completed Request for Annexation Review form along with a draft in the appropriate amount, as well as the Annexation Review Questionnaire.

If you have any questions or concerns, please do not hesitate to contact me. Thank you for your assistance in this matter.

Sincerely,

Christopher R. Behrens
City Attorney

Enclosure

CRB;jlg

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/>

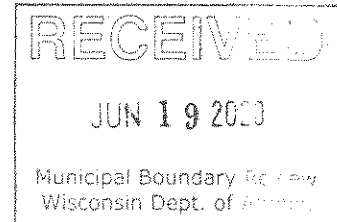
Petitioner Information

Name: **EMERALD VALLEY ESTATES LLC, ROBERT DE
BRUIN**

Address: **2100 N. FREEDOM ROAD, SUITE A
LITTLE CHUTE, WI 54140**

Email: **BOB.DEBRUINASSOCIATES.COM**

Office use only:



1. Town where property is located: **TOWN OF GRAND CHUTE**

2. Petitioned City or Village: **CITY OF APPLETON**

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

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

5. Area (in acres) of the territory to be annexed: **5.8958 ACRES**

6. Tax parcel number(s) of territory to be annexed
(if the territory is part or all of an existing parcel): **101164606**

Petitioners phone:

920-687-7201

Town clerk's phone:

920-832-5644

City/Village clerk's phone:

920-832-6443

Contact Information if different than petitioner:

Representative's Name and Address:

Phone: _____

E-mail: _____

Surveyor or Engineering Firm's Name & Address:

JIM SEHLOFF

**DAVEL ENGINEERING &
ENVIRONMENTAL**

1164 PROVINCE TERRACE

MENASHA, WI 54952

Phone: **920-560-6562**

E-mail: **JIM@DAVEL.PRO**

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]

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

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: 6-19-20

Payee: Emerald Valley Estates LLC

Check Number: 2282

Check Date: 6-12-20

Amount: \$950⁰⁰

ANNEXATION SUBMITTAL GUIDE

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 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.]



RECEIVED

JUN 19 2020

Municipal Boundary Review
Wisconsin Dept. of Admin.

**PETITION FOR DIRECT ANNEXATION BY UNANIMOUS APPROVAL
PURSUANT TO SECTION 66.0217(2), WISCONSIN STATUTES
WHERE NO ELECTORS RESIDE IN TERRITORY**

We, the undersigned, constituting all of the owners of the real property in which no electors reside in the following territory of the Town of Grand Chute, Outagamie County, Wisconsin, lying contiguous to the City of Appleton, petition the Common Council of the City of Appleton to annex the territory described below and shown on the attached scale map to the City of Appleton, Outagamie County, Wisconsin.


All of Outlot 1, Certified Survey Map 7878, filed in the office of the Register of Deeds for Outagamie County, Wisconsin, on March 27, 2020 as Document No. 2187534, being part of the Northwest 1/4 of the Southwest 1/4 and part of the Northeast 1/4 of the Southwest 1/4 of Section 08, Township 21 North, Range 18 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 256,819 Square feet (5.8958 Acres) of land.

Area of lands to be annexed contains 5.8958 acres m/l.

Tax Parcel numbers of lands to be annexed: 101164606.

The current population of such territory is 0.

We, the undersigned, elect that this annexation shall take effect to the full extent consistent with outstanding priorities of other annexation, incorporation, or consolidation proceedings, if any.

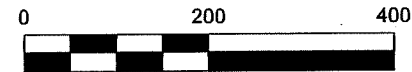
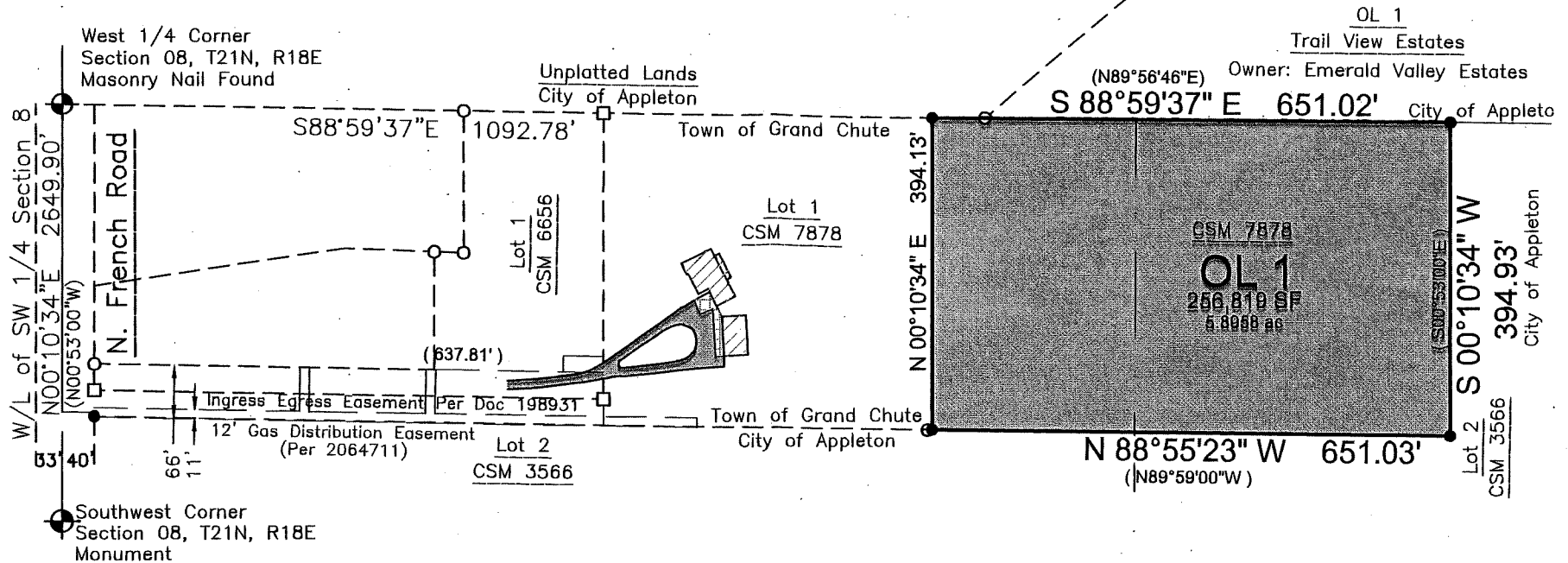
Signature of Petitioner	Owner	Date of Signing	Address of Petitioner (Include Zip Code)
	Emerald Valley Estates LLC	6/15/2020	2100 N. Freedom Road, Suite A Little Chute, WI 54140
Robert De Bruin, Member, Emerald Valley Estates LLC			

Annexation Description:

All of Outlot 1, Certified Survey Map 7878, filed in the office of the Register of Deeds for Outagamie County, Wisconsin, on March 27, 2020 as Document No. 2187534, being part of the Northwest 1/4 of the Southwest 1/4 and part of the Northeast 1/4 of the Southwest 1/4 of Section 08, Township 21 North, Range 18 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 256,819 Square feet (5.8958 Acres) of land.

Annexation Exhibit

All of Outlot 1, Certified Survey Map 7878, being part of the Northwest 1/4 of the Southwest 1/4 and part of the Northeast 1/4 of the Southwest 1/4 of Section 08, Township 21 North, Range 18 East,
Town of Grand Chute, Outagamie County, Wisconsin,



Bearings are referenced to the West line of the Southwest 1/4, Section 08, T21N, R18E, assumed to bear N00°10'34"E, base on the Outagamie County Coordinate System.



**DAVEL ENGINEERING &
ENVIRONMENTAL, INC.**

Civil Engineers and Land Surveyors

1164 Province Terrace, Menasha, WI 54952
Ph: 920-991-1866 Fax: 920-441-0804
www.davel.pro

JUN 19 2020

Municipal Boundary Review
Wisconsin Dept. of Admin.

Wisconsin Department of Administration

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

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: City/Village Town

Sanitary Sewers immediately ☒ ☐

or, write in number of years. Proposed subdivision to occur in phases. Development Agreement being drafted.

Water Supply immediately ☒ ☐

or, write in number of years. Proposed subdivision to occur in phases. Development Agreement being drafted.

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: New sewer and water infrastructure is to be constructed within the subject area. Anticipated costs will be identified in Development Agreement between City of Appleton, Village of Little Chute, and developer.

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? AGD (General Agricultural District)

c. How will the land be zoned and used if annexed? Assigning permanent zoning takes place following the annexation process. The R-1B Single-Family District is anticipated. Anticipated use is residential.

12. Elections: ☐ New ward or ☒ Existing ward? Will the annexation create a new ward or join an existing ward? Per Appleton City Clerk, the territory will join existing Ward 39.

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:

Prepared by: ☐ Town ☒ City ☐ Village

Name: David Kress, Principal Planner

Email: david.kress@appleton.org

Phone: (920) 832-6428

Date: 06-10-20

(March 2018)

Please RETURN PROMPTLY to:

wimunicipalboundaryreview@wi.gov

Municipal Boundary Review

PO Box 1645, Madison WI 53701

Fax: (608) 264-6104



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 19, 2020

PETITION FILE NO. 14317

KAMI LYNCH, CLERK
CITY OF APPLETON
100 N APPLETON ST
APPLETON, WI 54911-4702

ANGIE CAIN, CLERK
TOWN OF GRAND CHUTE
1900 GRAND CHUTE BLVD
GRAND CHUTE, WI 54913-9613

Subject: TRAIL VIEW ESTATES SOUTH 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 GRAND CHUTE to the CITY OF APPLETON (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 July 09, 2020. 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/>.

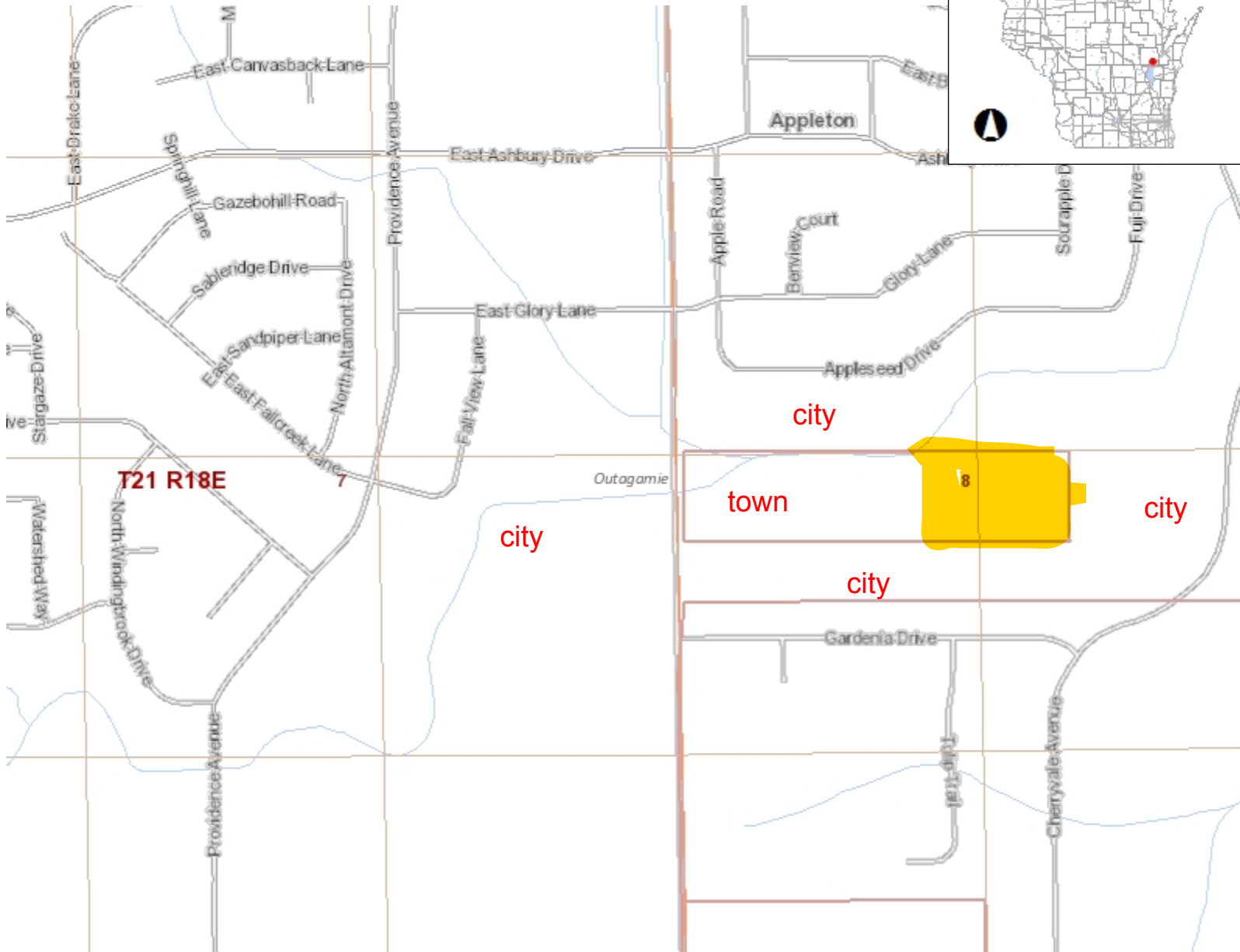
Sincerely,

Erich Schmidtke

Enclosures

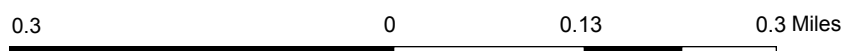


Surface Water Data Viewer Map



Legend

- Township
- Section
- Quarter-Quarter
- County Boundary
- Cities, Towns & Villages
 - City
 - Village
 - Civil Town
- Municipality
- State Boundaries
- County Boundaries
- Major Roads
 - Interstate Highway
 - State Highway
 - US Highway
- County and Local Roads
 - County HWY
 - Local Road
- Railroads
- Tribal Lands
- Rivers and Streams
- Intermittent Streams
- Lakes and Open water



NAD_1983_HARN_Wisconsin_TM

1: 7,920

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/legal/>

Notes

Township N^o 21 N, Range N^o 18 East, 4th Mer.



Meanders of Fox River.								
Posts	Courses	Chs Lks	Posts	Courses	Chs Lks	Posts	Courses	Chs Lks
Left bank, down stream.								
				S 53 1/2 E	4.00			
1	N 73 E	3.50		N 74 1/2 E	3.00			
	S 68 E	6.00	23	N 26 1/2 E	1.95			
	S 88 E	4.50						
	N 88 1/2 E	7.50		N 26 1/2 E	2.05			
	N 72 E	6.50		N 9 1/2 E	5.50			
	N 49 E	2.00		N 3 E	10.50			
	N 44 E	7.50		N 54 E	5.00			
	N 33 E	4.50	6	S 57 1/2 E	3.30			
	N 22 E	4.50						
2	N 32 E	4.00		S 84 E	5.00			
				N 88 E	4.50			
	N 38 E	4.50		N 55 E	11.50			
	N 39 1/2 E	9.00		N 70 E	5.00			
	N 88 1/2 E	1.50		N 51 E	6.00			
	N 30 E	4.00		N 47 1/2 E	8.00			
	N 8 E	4.50		N 42 1/2 E	7.00			
	N 34 E	3.50		N 49 1/2 E	11.50			
	N 50 E	9.00		N 62 E	12.50			
	N 68 E	5.00		N 52 1/2 E	4.50			
	N 81 E	6.00		N 62 1/2 E	6.50			
	S 66 1/2 E	8.00		N 87 E	3.50			
3	S 59 1/2 E	4.50		S 68 1/2 E	7.00			
			7	S 75 E	2.61			
	S 72 E	4.89						
	S 73 1/2 E	4.50		S 67 1/2 E	4.50			
	S 88 1/2 E	9.50		S 54 E	7.50			
	N 35 E	8.00		S 64 E	6.50			
	N 51 1/2 E	3.00	8	S 59 E	8.94			
	N 83 1/2 E	6.00						
	S 74 1/2 E	9.50						
	N 78 E	7.00						
	N 56 E	5.00						
	N 52 E	9.50						
	N 70 E	6.50						
	N 86 E	3.00						
	N 78 1/2 E	9.50						
4	S 56 1/2 E	3.50						
	S 73 1/2 E	8.50						
	N 72 E	7.00						
	N 45 E	10.00						
	N 78 E	4.00						
	S 74 1/2 E	5.50						
	S 64 E	2.50						
	N 82 E	3.50						
	S 47 E	14.00						
	S 34 E	6.21						
	S 68 E	5.50						
	S 44 E	5.50						
	S 22 E	6.50						
	S 70 E	7.00						
	N 86 1/2 E	4.50						
5	S 64 E	8.00						
	S 63 E	12.00						
	East	4.00						
	N 71 E	7.50						
	N 80 E	8.50						
	S 82 E	3.00						
	S 68 E	6.00						
	N 78 E	3.50						
	N 76 1/2 E	4.00						
	S 89 E	6.00						
	S 69 1/2 E	6.00						
	S 28 E	6.50						
24	S 24 E	5.50						

Total number of Acres 11,343.74					
Surveys Designated.	By Whom Surveyed.	Date of Contract.	Amount of Surveys. M. Ch ^s Lk ^s	When Surveyed.	When Charged in the Sur ^r Gen ^l 's acc ^t .
Township lines.	A. G. Ellis	May 13, 1843	13. 77. 32	June 1843	1 st Qr. 1844
Subdivisions.	John Baunister	August 10 th 1843	38. 72. 54	4 th Qr. 1843	4 th Qr. 1844

The above Map of Township N^o 21 North, of Range N^o 18 East of the 4th Principal Meridian, Wisconsin Territory is truly conformable to the field notes of the survey thereupon filed in this Office, which have been examined and approved.

Surveyor General's Office. Geo. H. Jones Sur^r Gen^l.
Dubuque July 29th 1847.



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>

July 09, 2020

PETITION FILE NO. 14317

KAMI LYNCH, CLERK
CITY OF APPLETON
100 N APPLETON ST
APPLETON, WI 54911-4702

ANGIE CAIN, CLERK
TOWN OF GRAND CHUTE
1900 GRAND CHUTE BLVD
GRAND CHUTE, WI 54913-9613

Subject: TRAIL VIEW ESTATES SOUTH ANNEXATION

The proposed annexation submitted to our office on June 19, 2020, 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..." 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. The subject petition is for territory that is reasonably shaped and contiguous to the **CITY OF APPLETON**, which is able to provide needed municipal services.

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 14317 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=2391>
Please call me at (608) 264-6102, should you have any questions concerning this annexation review.

Sincerely,

Erich Schmidtke, Municipal Boundary Review

cc: petitioner