

Request for Annexation Review

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: KSP Family, LLC
Address: 1234 E. Geneva St
P.O. Box 546
Delavan, WI 53115
Email: r.torkorst@KunesCountry.com

Office use only:

RECEIVED
June 29, 2021
Municipal Boundary Review
Wisconsin Dept. of Admin.

1. Town where property is located: Delavan
2. Petitioned City or Village: Delavan
3. County where property is located: Walworth
4. Population of the territory to be annexed: 1
5. Area (in acres) of the territory to be annexed: 271.5 ±
6. Tax parcel number(s) of territory to be annexed (if the territory is part or all of an existing parcel): FD 1500002

Petitioners phone:
262-740-6403

Town clerk's phone:
262-728-3471

City/Village clerk's phone:
262-728-5585

Contact Information if different than petitioner:

Representative's Name and Address:
Attorney Richard W. Torkorst
same address
Phone: 262-740-6403
E-mail: r.torkorst@KunesCountry.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]

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

\$2000 **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

\$2350 **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: 6-29-21

Payee: KSP Family LLC

Check Number: 1182

Check Date: 6-28-21

Amount: \$2350

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.]

PETITION FOR DIRECT ANNEXATION

BY

UNANIMOUS APPROVAL

TO: The Honorable City Council of the City of Delavan, Walworth County, Wisconsin c/o City Clerk.

The undersigned Owner of land or real property (the "Owner") and Electors (the "Electors") hereby petition the Common Council of the City of Delavan, Wisconsin (the "City"), pursuant to section 66.0217 (2) of the Wisconsin statutes for the direct annexation by unanimous approval of the City of certain Territory located in the Town of Delavan, Walworth County, Wisconsin (the "Town"), the legal description of which Territory (the "Territory to be Annexed") is set out on the attached Exhibit "A", and incorporated herein by reference. In this regard, the Owner and Electors make the following representations and request:

1. The Owners own all of the land within the Territory to be Annexed.
2. All electors residing in the Territory to be Annexed have joined in the Petition.
3. A scale map reasonably showing the boundaries of the Territory to be Annexed and its relation to the City and the Town is attached hereto as Exhibit "B" and incorporated herein by reference.
4. The population of the Territory to be Annexed is one.
5. The Territory to be Annexed is contiguous to the City and has a reasonable and unexceptional shape.
6. The proposed annexation is necessary for the development of the Territory to be Annexed as a mixed-use development of residential, commercial/industrial and recreational purposes with municipal services for water and sanitary sewer as can be provided by the City.
7. The Owner and Electors request that the Territory to be Annexed be detached from the Town and annexed to the City by direct annexation by unanimous approval.
8. The Owners request that the Territory to be Annexed be assigned a zoning classification of Rural Holding District.

Dated this 28 day of May, 2021.

OWNER:
KSP Family, LLC.

By 
Gregg E. Kunes, Member

ELECTORS:

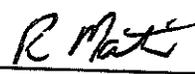
By 
Ronald Martin

Exhibit A

Legal Description

All that part of the West 1/2 of Section 15, Township 2 North, Range 16 East, of the 4th Principal Meridian, which lies north of the highway leading from the City of Delavan to the City of Lake Geneva, Town of Delavan, County of Walworth and State of Wisconsin, described as follows: commencing at the north 1/4 corner of said Section 15, thence west along the north line of said Section 15, South 87° 23 minutes 28 seconds West 2632.78 feet to the northwest corner of said Section 15; thence South 1° 16 minutes 26 seconds East 2632.16 feet; thence South 1° 14 minutes 42 seconds East 1860.95 feet; thence South 88° 16 minutes 00 seconds West 2610.34 feet; thence North 1° 24 minutes 16 seconds West 1914.62 feet; thence North 1° 24 minutes 12 seconds West 2618.84 feet to the place of beginning.

Walworth County, WI - OneView

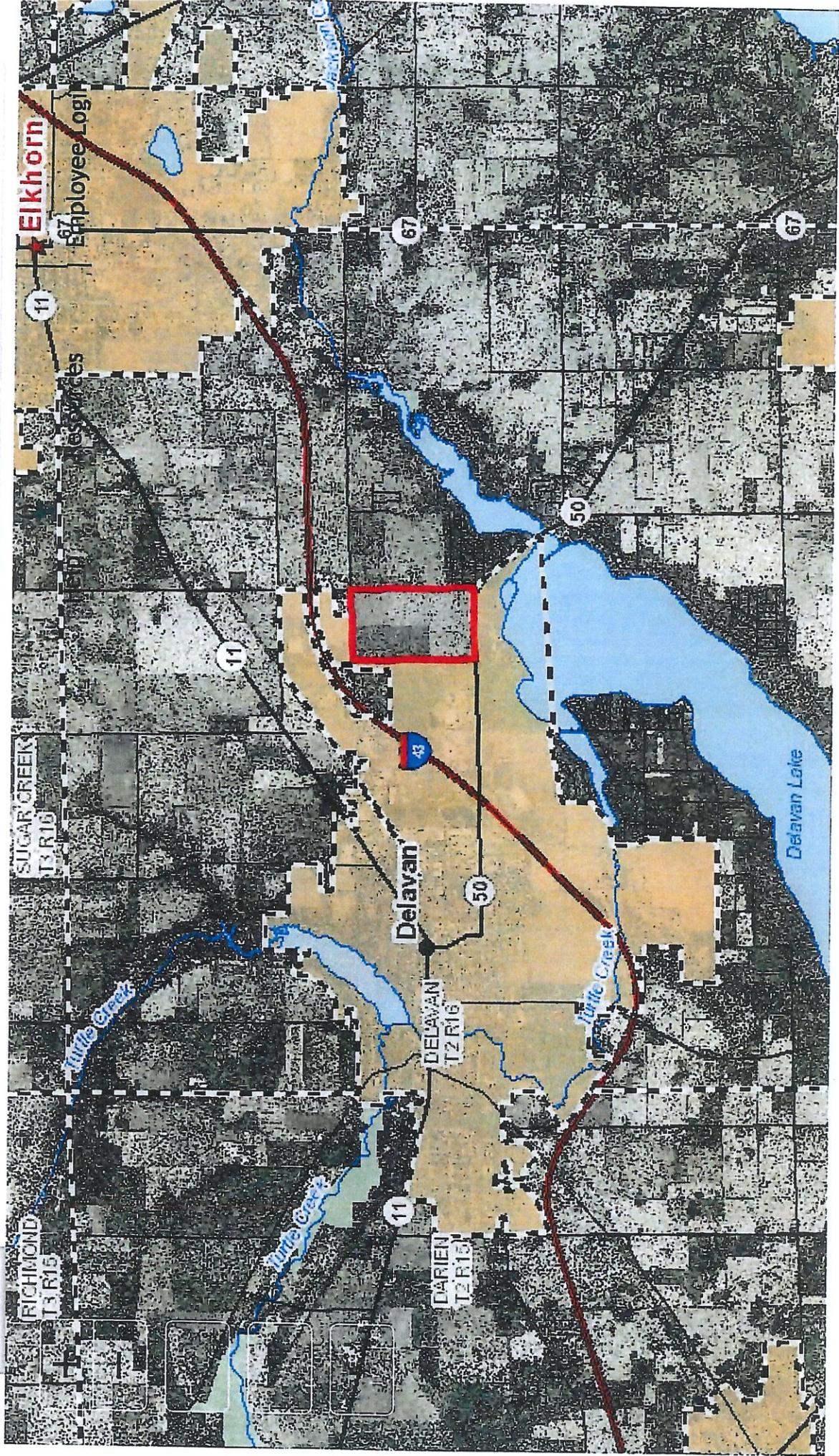


Exhibit B

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: **KSP Family LLC**

Petition Number: **14413**

1. Territory to be annexed: From **TOWN OF DELAVAN** To **CITY OF DELAVAN**

2. Area (Acres): **273.21**

3. Pick one: Property Tax Payments

OR Boundary Agreement

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

\$ _____

b. Total that will be paid to Town

(annual tax multiplied by 5 years): _____

c. Paid by: Petitioner City Village

Other: _____

a. Title of boundary agreement **Intergovernmental Agreement between the City of Delavan and the Town of Delavan**

b. Year adopted **2016**

c. Participating jurisdictions **Town of Delavan and City of Delavan**

d. Statutory authority (pick one)

s.66.0307 s.66.0225 s.66.0301

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

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

Residential: **2%** Recreational: _____% Commercial: _____% Industrial: _____%

Undeveloped: **98%**

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

Residential: **25%** Recreational: **25%** Commercial: **25%** Industrial: **25%**

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 to west and south, commercial and agricultural to the north.

In the town?: **single-family residential and agricultural to the east.**

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: City/Village Town

<u>Sanitary Sewers</u> immediately	<input checked="" type="checkbox"/>	<input type="checkbox"/>
or, write in number of years.	_____	_____
 <u>Water Supply</u> immediately	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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: _____

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? **A-1 Prime Agricultural and A-3 Agricultural Land Holding.**

c. How will the land be zoned and used if annexed? **RH-35ac Rural Holding, subject to rezoning.**

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:

Petitioner owns the adjacent developed lands to the west and south, within the Corporate Limits, with plans to expand the current commercial uses. City sanitary sewer mains and water mains are adjacent to the petitioned property, and these mains were sized to adequately service the proposed commercial development of the petitioned property.

This proposed annexation is bounded on three sides by the current City Limits, and annexation would promote homogeneity of the Corporate Limits of the City of Delavan.

Prepared by: Town City Village

Name: Mark Wendorf

Email: delavandpw@ci.delavan.wi.us

Phone: (262) 728-1891

Date: June 30, 2021

(March 2018)

Please **RETURN PROMPTLY** to:

wimunicipalboundaryreview@wi.gov

Municipal Boundary Review

PO Box 1645, Madison WI 53701

Fax: (608) 264-6104



KSP Family Annexation

WALWORTH COUNTY, WISCONSIN

0 20 40 60 80 Feet
1 inch = 750 feet

Author:
 Map Produced on: 6/30/2021
 Wisconsin State Plane Coordinate System, South Zone
 Horizontal Datum: NAD83-2011
 Walworth County Information Technology Department
 Land Information Division
 1800 County Trunk NN
 Elkhorn, Wisconsin 53121-0001
DISCLAIMER: THE INFORMATION PROVIDED ON THIS MAP HAS BEEN PRODUCED AND PROVIDED FROM SOURCES BELIEVED TO BE RELIABLE. NO WARRANTY, EXPRESSED OR IMPLIED, IS MADE REGARDING ACCURACY, RELIABILITY, COMPLETENESS, OR QUALITY. IN RELIABILITY OR US OF THIS INFORMATION. THE INFORMATION CONTAINED HEREIN WILL NOT BE ACCEPTED AS AN OFFICIAL DOCUMENT.

REAL PROPERTY LISTERS ANNEXATION REVIEW

1. Territory to be annexed: FD 1500002 | From Town of: Delavan | To City/Village of: Delavan

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

Location and Position

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

Petition and Map Information

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

3. Other relevant information and comments:

Prepared by: Sue Finotes
 Title: Property Lister
 Phone: del 741-4255
 Date: 7/6/21

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



Surface Water Data Viewer Map



- Legend**
- 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

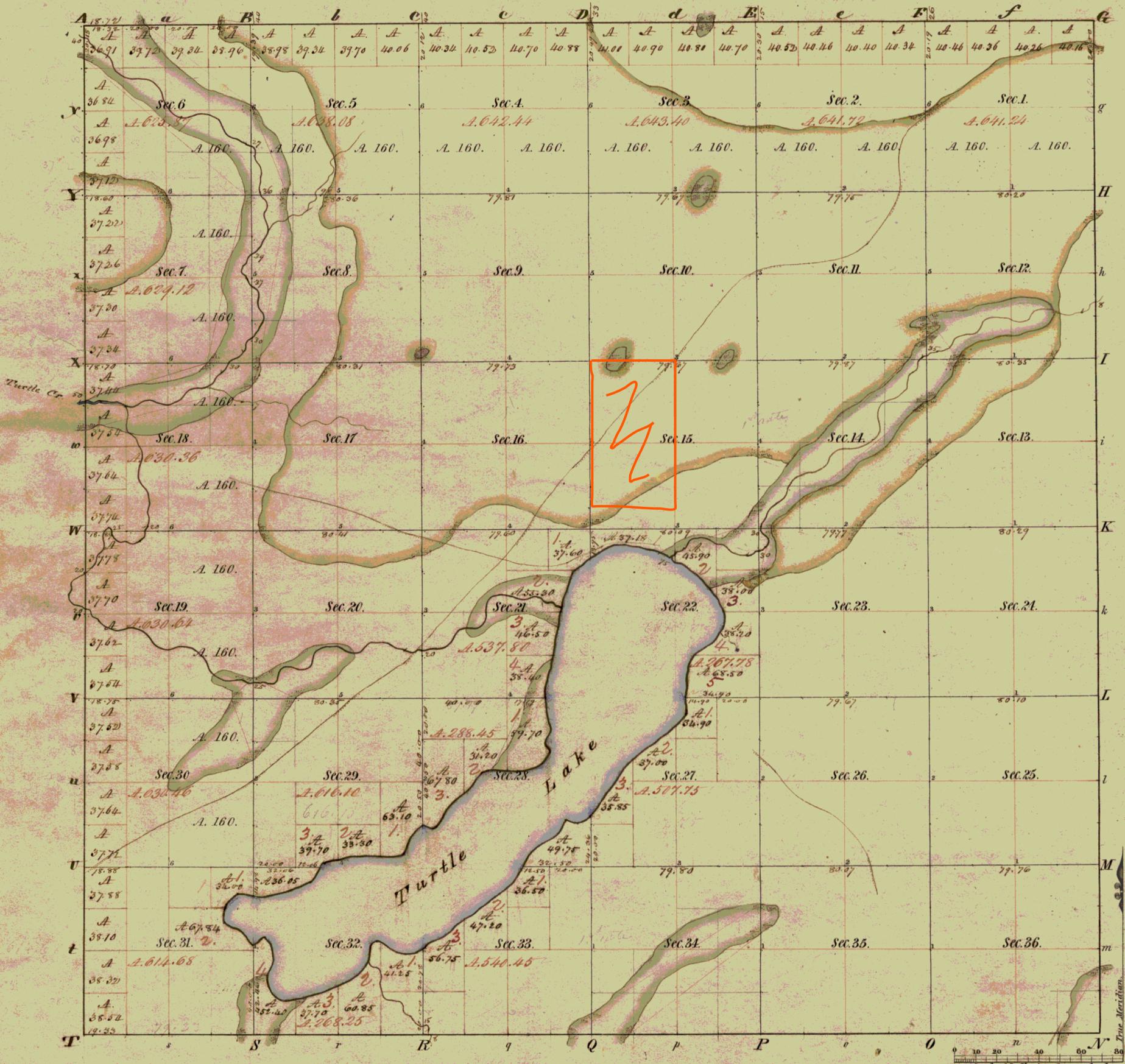
1: 15,840

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 No 2, Range No 16 East 4th Mer. Wis. Ter.

Wisconsin 16



Meanders of Turtle Lake

Posts	Courses	Ch. Lk.	Posts	Courses	Ch. Lk.	Posts	Courses	Ch. Lk.
1	N 09 E	17.50	10	N 11 1/2 E	29.00			
	S 73 1/2 E	15.65		N 14 E	5.57			
	S 60 E	8.00		N 11 1/2 E	6.50			
	S 50 1/2 E	6.00		N 10 1/2 E	16.20			
	S 50 E	3.00	1	N 54 E	16.85			
	S 49 E	14.50						
	S 42 1/2 E	9.00						
	S 25 E	8.50						
	S 2 W	6.27						
	S 57 W	2.50						
	S 17 W	3.50						
	S 57 W	18.50						
	S 1 W	16.57						
2	S 17 W	8.50						
	S 45 1/2 W	46.50						
	S 35 1/2 W	24.71						
3	S 57 W	7.50						
	S 56 W	7.50						
	S 50 W	7.50						
	S 60 W	11.00						
	S 37 W	11.01						
4	S 37 W	11.49						
	S 57 1/2 W	32.57						
	S 45 W	13.00						
	S 70 W	2.50						
	S 49 W	2.43						
5	S 74 W	9.00						
	S 67 W	15.50						
	S 77 W	9.00						
	S 43 W	10.50						
	S 62 W	22.50						
	S 76 W	18.19						
	N 29 E	12.00						
	N 20 E	10.00						
	N 15 W	9.50						
	N 48 W	4.00						
	S 63 W	5.50						
6	N 27 W	8.60						
	N 78 W	7.00						
	N 9 W	8.50						
	N 38 E	8.50						
	S 74 E	8.45						
7	S 74 1/2 E	5.50						
	N 67 E	25.00						
	N 32 1/2 E	7.61						
8	N 54 E	9.50						
	N 70 1/2 E	11.54						
	E 41	30.00						
	N 11 E	6.50						
	N 35 1/2 E	11.00						
9	S 75 E	5.60						
	N 30 E	12.50						
	N 48 1/2 E	11.50						
	N 42 E	12.50						
	N 85 E	25.00						
	N 57 1/2 E	7.50						
	N 35 W	5.20						
	N 14 1/2 E	7.50						
10	N 13 W	15.50						

Total number of Acres 21,514.59

Surveys Designated	By Whom Surveyed	Date of Contract	Amount of Surveys	When Surveyed	When p ^d for and ch ^d in the Sur. Gen ^l acc ^t
Township lines	Mullett & Brink	17 th Aug. 1835	M. Ch. Lks. 23.75 20	4 th of 1835	2 nd of 1836
Subdivisions	Sylvester Sibley	Contract 1836	65.02 87	2 nd of 1836	4 th of 1836

The above Map of Township No 2 North of Range No 16 E of the 4th Principal Meridian Wisconsin Ter. is strictly conformable to the field notes of the survey thereof on file in this Office, which have been examined and approved.

Surveyor General's Office,
Cincinnati, Jan. 19, 1837 } Not. by the Sur. Genl.



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 19, 2021

PETITION FILE NO. 14413

ANDREA WHITE, CLERK
CITY OF DELAVAN
PO BOX 465
DELAVAN, WI 53115-0465

KRISTY MCCHRISTY, CLERK
TOWN OF DELAVAN
5621 TOWN HALL RD
DELAVAN, WI 53115-3712

Subject: KSP FAMILY LLC ANNEXATION

The proposed annexation submitted to our office on June 29, 2021, 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 Delavan, which is able to provide needed municipal services.

Note: The legal description of the territory to be annexed does not close. It appears that the bearing of the 2610.34' course should be shown Northeast, but even with this correction a 33' misclosure remains.

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 14413 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=2487>

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

Sincerely,

Erich Schmidtke, Municipal Boundary Review

cc: petitioner