



ORD11501

RECEIVED

06/01/2022

Municipal Boundary Review
Wisconsin Dept. of Admin.

City of Burlington

300 N. Pine Street

Burlington, Wisconsin 53105

Phone: (262) 342-1171 Fax: (262) 763-3474

Email: dhalbach@burlington-wi.gov

ORDINANCE NO. 2080(1)

CERTIFICATION

I hereby certify that the foregoing ordinance is a true, correct and complete copy of the ordinance duly and regularly passed by the Common Council of the City of Burlington, Racine and Walworth Counties, Wisconsin on May 17, 2022.

A handwritten signature in black ink, appearing to read 'Diahnn C. Halbach'.

Diahnn C. Halbach
City Clerk
City of Burlington
Racine and Walworth Counties, Wisconsin

Dated: May 24, 2022

**A ORDINANCE ANNEXING 5.1509 ACRES ALONG LIBERTY
DRIVE (002-02-19-09-010-000) TO THE CITY OF BURLINGTON,
RACINE COUNTY, WISCONSIN**

The Common Council of the City of Burlington, Wisconsin, do ordain as follows:

SECTION 1. Territory Annexed. In accordance with §66.021 of the Wisconsin Statutes and the petition for direct annexation by unanimous approval filed with the City Clerk on the 1st day of March, 2022, the following described territory having a population of zero (0) and located in the Town of Burlington, Racine County, Wisconsin, is annexed to the City of Burlington, Wisconsin:

Town of Burlington Tax Key Number: 51-002-02-19-09-010-000
Population Total – 0

BEING A PART OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 AND THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 9, TOWNSHIP 2 NORTH, RANGE 19 EAST, TOWN OF BURLINGTON, RACINE COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 9; THENCE NORTH 88°51'29" EAST ALONG THE SOUTH LINE OF SAID SOUTHWEST 1/4, 1314.34 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 01°38'54" WEST ALONG THE WEST LINE OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 9, 140.95 FEET TO THE SOUTH LINE OF CERTIFIED SURVEY MAP NO. 2249; THENCE NORTH 88°53'31" EAST ALONG SAID SOUTH LINE AND THEN ALONG THE SOUTH RIGHT OF WAY LINE OF LIBERTY DRIVE, 1597.89 FEET; THENCE SOUTH 01°08'29" EAST, 140.00 FEET TO THE SOUTH LINE OF SAID SOUTHEAST 1/4; THENCE SOUTH 88°51'31" WEST ALONG SAID SOUTH LINE, 282.30 FEET TO THE SOUTH CORNER OF SAID SECTION 9; THENCE SOUTH 88°51'29" WEST ALONG THE AFORESAID SOUTH LINE OF SAID SOUTHWEST 1/4, 1314.34 FEET TO THE POINT OF BEGINNING. SAID LAND BEING IN THE TOWN OF BURLINGTON, COUNTY OF RACINE, STATE OF WISCONSIN, CONTAINING 5.1509 ACRES.

SECTION 2. Effect of Annexation. From and after the date of this ordinance, the territory described in Section 1 shall be a part of the City of Burlington for any and all purposes provided by law and all persons coming or residing within such territory shall be subject to all ordinances, rules and regulations governing the City of Burlington.

SECTION 3. Zoning Classification. Upon recommendation of the Planning Commission, the territory annexed to the City of Burlington by this ordinance is zoned A-1, Agricultural/Holding District.

SECTION 4. Ward Designation. The territory described in Section 1 of this ordinance is hereby made part of the fourth ward of the City of Burlington, subject to the ordinances, rules and regulations of the City of Burlington governing wards. The population of the property is zero.

SECTION 5. Pursuant to section 60-4 of the Code of the City of Burlington, the property set forth in Section 1 shall be added to the official map of the City of Burlington, upon the recommendation

of the Plan Commission at its April 12, 2022 meeting and the public hearing held by the Common Council at its May 3, 2022 meeting.

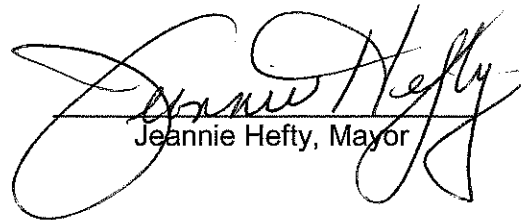
SECTION 6. Payment to Town. Pursuant to Wis. Stat. ss. 66.1105(4)(gm)1, the City of Burlington pledges to pay the Town of Burlington an amount equal to the property taxes levied on the territory that is being annexed for a term of five years.

SECTION 7. Severability. If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

SECTION 8. It is further ordained that the Clerk shall cause this Ordinance to be published as a Class 1 notice. The Clerk shall also perform the filing requirements of Wis. Stat. s. 66.0223(1).

SECTION 9. Effective Date. This ordinance shall take effect upon passage, public hearing and publication as provided by law.

Introduced: May 3, 2022
Adopted: May 17, 2022



Jeannie Hefty, Mayor

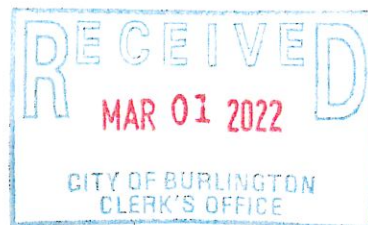
Attest:



Diahnn Halbach, City Clerk

February 24, 2022

Diahnn Halbach
City of Burlington Clerk
300 N. Pine Street
Burlington, WI 53105



**RE: Petition for Direct Annexation
J. Boilini Farms, Inc. Property**

Dear Ms. Halbach:

Please find the enclosed Petition for Direct Annexation by Unanimous Approval for a portion of the J. Boilini Farms, Inc. property. The property consists of 5.15 acres and is contiguous to the City of Burlington. The owner of record respectfully requests the subject property to be annexed to the City of Burlington.

I have enclosed the following documents for your review and reference.

- Petition for Direct Annexation
- Legal Description
- Scaled Map
- Request for Annexation Review, Wisconsin Department of Administration
- Racine County GIS Map

Please note that these materials have also been distributed to the Town of Burlington Clerk and the Wisconsin Department of Administration, Municipal Boundary Review.

Should you have any questions or concerns, please contact me at your convenience. I can be reached at (262) 949-3788 or by email, dan@beardevelopment.com

Respectfully,



Daniel Szczap
Bear Development, LLC



Phone: 262.694.2327



beardevelopment.com



4011 80th Street, Kenosha, WI 53142

PETITION FOR DIRECT ANNEXATION BY UNANIMOUS APPROVAL

BY UNANIMOUS CONSENT OF PROPERTY OWNERS OF TERRITORY LOCATED IN THE TOWN BURLINGTON, RACINE COUNTY, WISCONSIN TO THE CITY OF BURLINGTON, RACINE COUNTY, WISCONSIN PURSUANT TO SECTION 66.0217 WIS STATS.

THIS PETITION of J. Boilini Farms, Inc. (property owner) hereinafter referred to as Petitioners as the owners of record of real property in the territory sought to be annexed do respectfully represent to the City of Burlington as follows:

1. The Petitioners are the owner of record of the real property in the territory sought to be annexed, which property is contiguous to the City of Burlington, in the Town of Burlington, Racine County, Wisconsin and legally described in Exhibit A herein after, Subject Property.
2. The Petitioners respectfully request all the Subject Property contiguous to the City of Burlington, Racine County, Wisconsin and currently in the Town of Burlington, Racine County, Wisconsin be annexed to the City of Burlington.
3. Attached hereto as Exhibit B and incorporated herein by reference is a scale map of the subject Territory sought to be annexed.
4. There are 0 electors residing in the Subject Territory sought to be annexed hereunder.
5. There current population of the Subject Territory sought to be annexed hereunder is 0.
6. The Subject Territory is presently zoned Agriculture by the Town of Burlington pursuant to the Town of Burlington and Racine County Ordinance.
7. The petitioner believes this Petition and the Subject Territory sought to be annexed hereunder meets all legal requirements for annexation and such annexation is in the public interest.

As provided by law, this Petition, Exhibit A-Legal Description of Lands to be Annexed and Exhibit B-Scaled Annexation Map will be filed with the Clerk of the City of Burlington, Racine County, Wisconsin and also with the Clerk of the Town of Burlington, Racine County, Wisconsin.

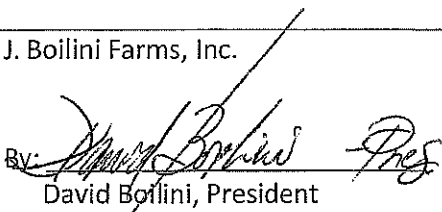
Signature of Petitioner	Date of Signing	Owner	Address of Description of Property
J. Boilini Farms, Inc. BY:  David Boilini, President	02-22-2022	J. Boilini Farms, Inc.	

EXHIBIT A

LEGAL DESCRIPTION:

Being a part of the Southwest 1/4 of the Southeast 1/4 AND the Southeast 1/4 of the Southwest 1/4 of Section 9, Township 2 North, Range 19 East, Town of Burlington, Racine County, Wisconsin, described as follows:

Commencing at the southwest corner of the Southwest 1/4 of said Section 9; thence North 88°51'29" East along the south line of said Southwest 1/4, 1314.34 feet to the Point of Beginning;

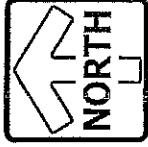
Thence North 01°38'54" West along the west line of the East 1/2 of the Southwest 1/4 of Section 9, 140.95 feet to the south line of Certified Survey Map No. 2249; thence North 88°53'31" East along said south line and then along the south right of way line of Liberty Drive, 1597.89 feet; thence South 01°08'29" East, 140.00 feet to the south line of said Southeast 1/4; thence South 88°51'31" West along said south line, 282.30 feet to the south corner of said Section 9; thence South 88°51'29" West along the aforesaid south line of said Southwest 1/4, 1314.34 feet to the Point of Beginning.

LEGAL DESCRIPTION:

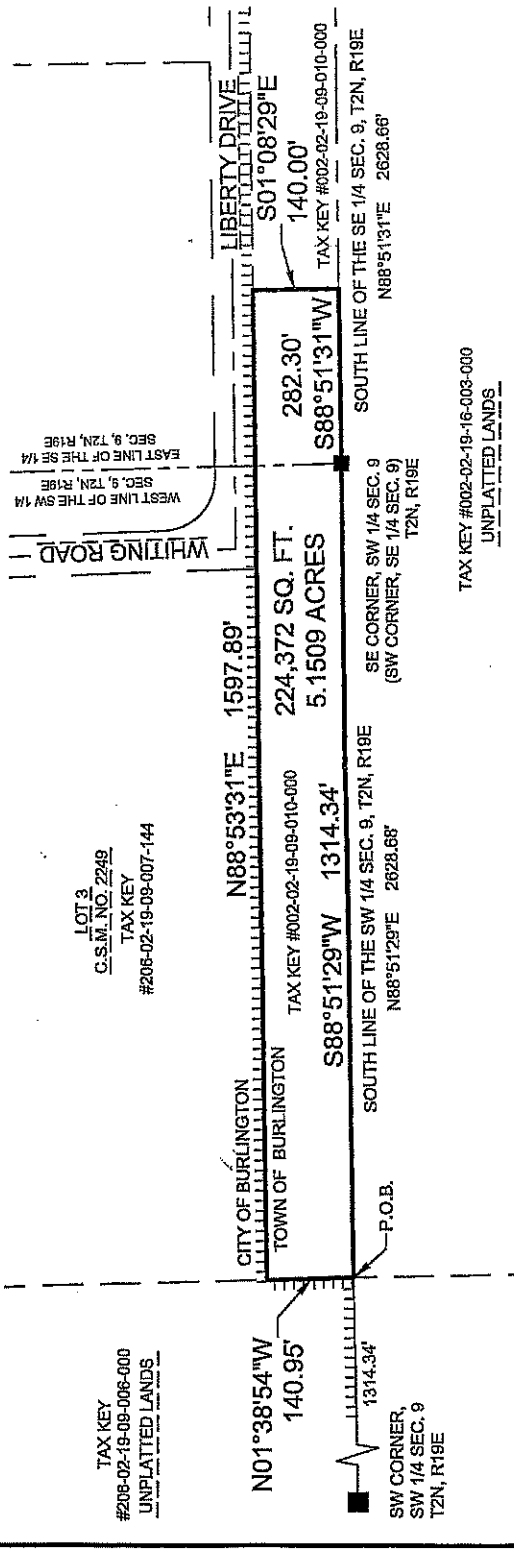
Being a part of the Southwest 1/4 of the Southeast 1/4 AND the Southeast 1/4 of the Southwest 1/4 of Section 9, Township 2 North, Range 19 East, Town of Burlington, Racine County, Wisconsin, described as follows:

Commencing at the southwest corner of the Southwest 1/4 of said Section 9; thence North 88°51'29" East along the south line of said Southwest 1/4, 1314.34 feet to the Point of Beginning;

Thence North 01°38'54" West along the west line of the East 1/2 of the Southwest 1/4 of Section 9, 140.95 feet to the south line of Certified Survey Map No. 2249; thence North 88°53'31" East along said south line and then along the south right of way line of Liberty Drive, 1597.89 feet; thence South 01°08'29" East, 140.00 feet to the south line of said Southeast 1/4; thence South 88°51'31" West along said south line, 282.30 feet to the south corner of said Section 9; thence South 88°51'29" West along the aforesaid south line of said Southwest 1/4, 1314.34 feet to the Point of Beginning.



GRAPHICAL SCALE (FEET)



TAX KEY
#206-02-19-09-006-000
UNPLATTED LANDS

LOT 3
C.S.M. NO. 2249
TAX KEY
#206-02-19-09-007-144

TAX KEY #002-02-19-16-003-000
UNPLATTED LANDS

EXHIBIT OF PROPOSED LANDS TO BE ANNEXED 02/16/2022
PINNACLE ENGINEERING GROUP PLAN | DESIGN | DELIVER
 20725 WATERTOWN ROAD | SUITE 100 | BROOKFIELD, WI 53186 WWW.PINNACLE-ENGR.COM PEGJOB#1613.00

EXHIBIT C: PURPOSE OF ANNEXATION

Petitioner:

J. Boilini Farms, Inc.
1120 S. Lake Shore Drive- Unit 22
Lake Geneva, WI 53147

Tax Key No: 002021909010000

The intent of this Petition is to develop this parcel along with parcels currently within the City of Burlington municipal limits. The Petitioners wish to annex to the City of Burlington for the purposes of developing these parcels of land as one unified development. The City of Burlington can provide the services to facilitate the anticipated development.



TONY EVERS
GOVERNOR
KATHY BLUMENFELD
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 29, 2022

PETITION FILE NO. 14490

DIAHNN HALBACH, CLERK
CITY OF BURLINGTON
300 N PINE ST
BURLINGTON, WI 53105-1435

JEANNE RENNIE, CLERK
TOWN OF BURLINGTON
32288 BUSHNELL ROAD
BURLINGTON, WI 53105-9426

Subject: J BOILINI FARMS INC ANNEXATION

The proposed annexation submitted to our office on March 08, 2022, 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 Burlington, 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 14490 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=2564>
Please call me at (608) 264-6102, should you have any questions concerning this annexation review.

Sincerely,

Erich Schmidtke, Municipal Boundary Review

cc: petitioner