

Annexation-New
Cherry Valley Holdings et al (Hwy 136)
MBR 14582

Document Number

Document Title

ORD11663

RECEIVED

05/09/2023

Municipal Boundary Review
Wisconsin Dept. of Administration

Name and Return Address:
City of Baraboo
Attn: City Clerk
101 South Blvd.
Baraboo, WI 53913

002-0068-10000
002-0068-20000
002-0068-00000
002-0047-00000
002-0048-00000

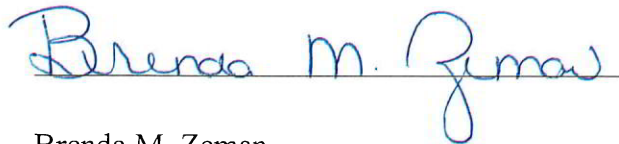
Parcel Identification Number (PIN)

Recording Area

I, Brenda M. Zeman, City Clerk of the City of Baraboo, County of Sauk, State of Wisconsin, DO HEREBY CERTIFY that the territory described in the attached ordinance was detached from the Town of Baraboo, County of Sauk, and was annexed by ordinance and zoned Highway Oriented Business (B-3) to the said City of Baraboo, pursuant to Section 66.217 of the Wisconsin Statutes, by Ordinance No. 2613 adopted by the Common Council at a regular meeting held on April 25, 2023.

I further certify, that the population of said territory is 0 and that the attached ordinance is a true and complete copy of the annexation and zoning as adopted.

Dated this 4th day of May, 2023.



Brenda M. Zeman
City Clerk

Ordinance No. 2613

The City of Baraboo, Wisconsin Ordinance

Background: Several Town of Baraboo property owners have jointly petitioned for the annexation of their vacant properties located along State Rd 136 (formerly STH 12) between South Blvd and Hatchery Road/Carpenter Street.

JHGV, LLC owns a vacant 0.12-acre parcel of land on the west side of State Rd 136, that is contiguous with their property that is occupied by Burger King, and they have requested their property be zoned B-3, Highway Oriented Business upon annexation.

RRP Cherry Valley Holdings, LLC owns a vacant 0.63-acre parcel of land on northwest corner of State Rd 136 and Sauk Avenue, that is contiguous with their property that is occupied by Bachrodt Baraboo Motors and they have requested their property be zoned B-3, Highway Oriented Business upon annexation.

The City of Baraboo recently acquired a vacant 7.08-acre parcel of land, approximately 6.36 acres of which lies on the southwest corner of State Rd 136 and Sauk Avenue with the remaining 0.72 acres that lie on the northeast corner of Commerce Avenue and Sauk Avenue and the City has requested their property be zoned B-3, Highway Oriented Business upon annexation.

John S and Barbara J Turner own a vacant 0.20-acre parcel along the east side of State Rd 136 that is contiguous with their property that is occupied by a BP Station and Turner Water Care, and they have requested their property be zoned B-3, Highway Oriented Business upon annexation.

TLH BARABOO WI PROPCO, LLC owns a vacant 3.13 -acre parcel on the northeast corner of State Rd 136 and Sauk Avenue that is contiguous with their property that was formerly occupied by RR Donnelley, and they have requested their property be zoned B-3, Highway Oriented Business upon annexation.

At their meeting on April 18th 2023, the Plan Commission reviewed this proposed annexation and zoning thereof and unanimously recommended approval of this annexation and B-3 Zoning subject to final approval by the Wisconsin Dept of Administration.

Fiscal Note: (check one) ☒ Not Required ☐ Budgeted Expenditure ☐ Not Budgeted **Comments:**

An Ordinance amending §§ 1.49(2), 8.01(3), and 17.18(4)(b) of the Municipal Code of the City of Baraboo thereby annexing certain lands in the Town of Baraboo to the City of Baraboo pursuant to a unanimous petition for annexation filed jointly by: JHGV, LLC, RRP Cherry Valley Holdings, LLC, the City of Baraboo, John S and Barbara J Turner, TLH BARABOO WI PROPCO, LLC.

THE COMMON COUNCIL OF THE CITY OF BARABOO, WISCONSIN, DO ORDAIN
AS FOLLOWS:

WHEREAS, a joint petition for direct annexation by unanimous consent, together with the attached scaled map, has been presented to the Common Council requesting annexation of the territory described below to the City of Baraboo from the Town of Baraboo and it having been represented to the City in a sworn affidavit that the petition has been signed by the owners of all the lands and area and assessed value within the territory to be annexed, that no persons or electors reside within said territory, and that said territory lies contiguous to the City of Baraboo, and that the petition has been filed with the City Clerk of the City of Baraboo, and the Plan Commission has reviewed the proposed annexation and zoning thereof and recommends the

adoption of this ordinance, and, pursuant to § 66.0217, Wis. Stat., the City Clerk has filed with the Wisconsin Department of Administration a copy of the petition for direct annexation, the scaled map, and the legal description of the territory to be annexed, together with other pertinent information, and the Department of Administration has found that the annexation is in the public interest, and the Common Council has reviewed the advice of the Department of Administration and the Common Council accepts the petition as sufficient and hereby determines that the said annexation proceedings herein meet the requirements of the Wisconsin Statutes, and

WHEREAS, the territory proposed to be annexed and the proposed development thereof is consistent with the 2009 City of Baraboo Comprehensive Master Plan, and

WHEREAS, the territory proposed for annexation is well-suited for development and said lands are suitable for the extension of police, fire, sewer, water, and other services, and

WHEREAS, satisfactory, adequate, and safe municipal water and municipal sanitary sewer facilities are reasonably acceptable and available for extension to serve the territory proposed for annexation, and the proposed territory to be annexed is predominantly within the sanitary sewer growth area in the City's Sanitary Sewer Service Area Plan dated January 2016, and

WHEREAS, this Common Council finds that the territory to be annexed is contiguous to the City and its shape is unexceptional, and

WHEREAS, this Common Council has considered the recommendation of the Plan Commission that the territory described above proposed for annexation should be annexed to the City and that the annexed territory be zoned as described in Section 2 of this ordinance and that the said zoning promotes the public health, safety, and general welfare of this community, and

WHEREAS, this Common Council has received and reviewed the advisory opinion of the Wisconsin Department of Administration issued pursuant to § 66.0217(6), Wis. Stat., and said opinion is on file in the office of the Baraboo City Clerk and is hereby adopted by reference as though fully set forth herein, and

WHEREAS, pursuant to § 66.0217(14), Wis. Stats., the City shall annually pay the Town of Baraboo, for a period of 5 years, an amount equal to the amount of property taxes that the Town levied on the annexed territory in the year that the annexation is final.

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF BARABOO, SAUK COUNTY, WISCONSIN DOES ORDAIN AS FOLLOWS:

1. In accordance with § 66.0217 of the Wisconsin Statutes and the petition for direct annexation by unanimous consent filed with the City Clerk and signed by all of the owners of all of the real estate located in the territory to be annexed, the following described territory in the Town of Baraboo, Sauk County, Wisconsin, is hereby annexed to the City of Baraboo, Wisconsin:

Being part of the fractional Northwest Quarter of the Northeast Quarter, the fractional Northeast Quarter of the Northwest Quarter, the Southwest Quarter of the Northeast Quarter and the Southeast Quarter of the Northwest Quarter, Section 3, Town 11 North, Range 6 East, Town of Baraboo, Sauk County, Wisconsin, described as follows:

Commencing at the North Quarter corner of Section 3;
thence South 00°15'05" East along the West line of the Northeast Quarter of Section 3, 654.56 feet to the point of beginning;

thence South 89°50'50" East, 44.41 feet to a point in the East right-of-way line of State Trunk Highway 136;
 thence South 00°09'10" West along the East right-of-way line of State Trunk Highway 136, 184.58 feet to a point in the North line of lands described and recorded in Document No. 1244962;
 thence North 89°50'22" East along the North line of lands described and recorded in Document No. 1244962, 198.80 feet to the West line of Lot 12, Plat of City of Baraboo Industrial Park;
 thence South 00°10'37" West along the West line of Lots 11 and 12, Plat of City of Baraboo Industrial Park, 731.87 feet to the North right-of-way line of Sauk Avenue;
 thence South 89°58'33" West along the North right-of-way line of Sauk Avenue, 198.48 feet;
 thence South 00°09'10" West along the East right-of-way line of State Trunk Highway 136 and the Northerly extension thereof, 388.10 feet;
 thence South 00°28'46" East along the East right-of-way line of State Trunk Highway 136, 164.15 feet;
 thence South 89°43'00" West along the South line of lands described and recorded in Document No. 770546, the South line of lands described and recorded in Document No. 1243260 and the South line of the Northeast Quarter of the Southeast Quarter of the Northwest Quarter of Section 3, 697.28 feet to the Southwest corner of the Northeast Quarter of the Southeast Quarter of the Northwest Quarter of Section 3 and the East right-of-way line of Commerce Avenue;
 thence North 00°16'35" West along the East right-of-way line of Commerce Avenue and the West line of the Northeast Quarter of the Southeast Quarter of the Northwest Quarter of Section 3, 664.80 feet to a point in the North line of the Southeast Quarter of the Northwest Quarter of Section 3 and the South line of Lot 2, Certified Survey Map, No. 6052;
 thence North 89°40'51" East along the North line of the Southeast Quarter of the Northwest Quarter of Section 3, the South line of Lot 2, Certified Survey Map, No. 6052 and the South line of Lot 4, Certified Survey Map, No. 3129, 593.97 feet to a point in the West right-of-way line of State Trunk Highway 136;
 thence North 00°09'45" East along the West right-of-way line of State Trunk Highway 136, 133.19 feet;
 thence North 89°55'05" East, 66.78 feet to a point in the West line of the Northeast Quarter of Section 3;
 thence North 00°15'05" West along the West line of the Northeast Quarter of Section 3, 390.18 feet;
 thence South 89°43'20" West, 57.47 feet to the West right-of-way line of State Trunk Highway 136;
 thence North 00°08'31" East along the West right-of-way line of State Trunk Highway 136, the East line of Lot 2, Certified Survey Map, No. 518 and the East line of Lot 3, Certified Survey Map, No. 3129, 280.66 feet;
 thence South 89°50'50" East, 55.54 feet to the point of beginning.

Containing 667,820 square feet, (15.33 acres), more or less.

The petition for annexation of the above-described territory is hereby accepted as a sufficient and legal petition conforming to the requirements of § 66.0217, Wis. Stat., and it is determined that the annexation proceedings herein meet the requirements of the Wisconsin Statutes.

From and after the date of this ordinance, the territory described in Section 1 above shall be part of the City of Baraboo, Sauk County, Wisconsin, 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 Baraboo, Wisconsin.

2. Upon recommendation of the Plan Commission, the territory annexed to the City of Baraboo, by this ordinance and collectively owned by JHGV, LLC, RRP Cherry Valley Holdings, LLC, the City of Baraboo, John S and Barbara J Turner, and TLH BARABOO WI PROPCO, LLC respectively, shall be permanently zoned B-3, Highway Oriented Business and designated as part of Aldermanic District 5 in Ward 19 in County Supervisory District 21 upon annexation.
3. The territory described in Section 1 of this ordinance and the respective Aldermanic District, Wards, and County Supervisory District designations described in Section 2 of this ordinance

are subject to the ordinances, rules, and regulations of the City of Baraboo governing wards, and

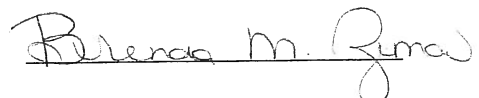
the City Engineer is directed to change the City's Official Map and the City's Master Plan and supplement thereto to reflect the terms of this ordinance.

4. Pursuant to Wis. Stat. § 66.0217(14), the City agrees to pay annually to the Town of Baraboo, for 5 years, an amount equal to the amount of property taxes that the Town levied on the annexed territory, as shown by the tax roll under Wis. Stat. § 70.65, in the year in which this annexation is final.
5. 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.
6. This Ordinance shall take effect upon passage and publication as provided by law.

Mayor's Approval:

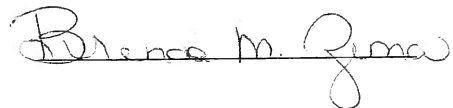


Clerk's Certification:



I hereby certify that the foregoing Ordinance was duly passed by the Common Council of the City of Baraboo on the 25th day of April 2023 and is recorded on page 240 of volume 44. A summary of the Ordinance was published in the local newspaper on the 2nd day of May, 2023.

City Clerk:



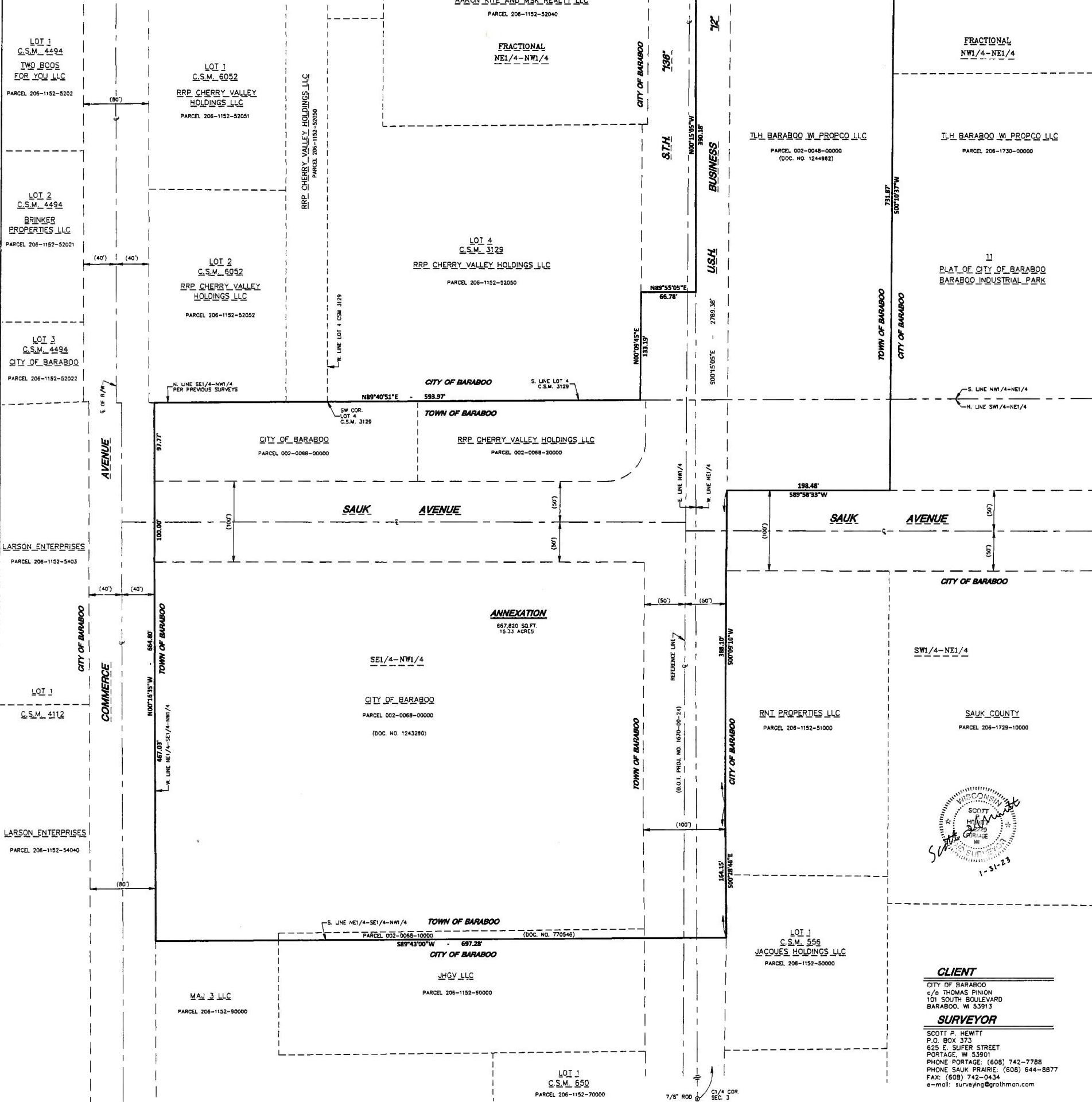
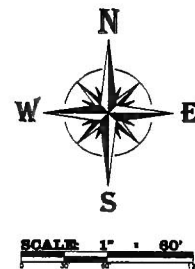
ANNEXATION EXHIBIT

BEING PART OF THE FRACTIONAL NW1/4 OF THE NE1/4, THE FRACTIONAL NE1/4 OF THE NW1/4, THE SW1/4 OF THE NE1/4 AND THE SE1/4 OF THE NW1/4, SECTION 3, TOWN 11 NORTH, RANGE 6 EAST, TOWN OF BARABOO, SAUK COUNTY, WISCONSIN.

LEGAL DESCRIPTION

Being part of the fractional Northwest Quarter of the Northeast Quarter, the fractional Northeast Quarter of the Northwest Quarter, the Southwest Quarter of the Northeast Quarter and the Southeast Quarter of the Northwest Quarter, Section 3, Town 11 North, Range 6 East, Town of Baraboo, Sauk County, Wisconsin, described as follows:

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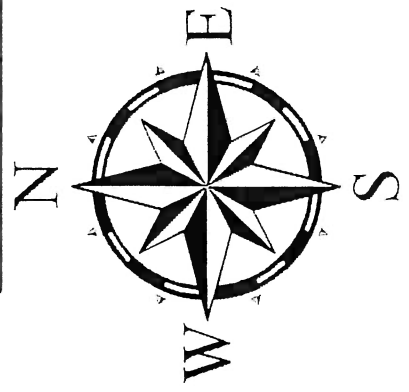
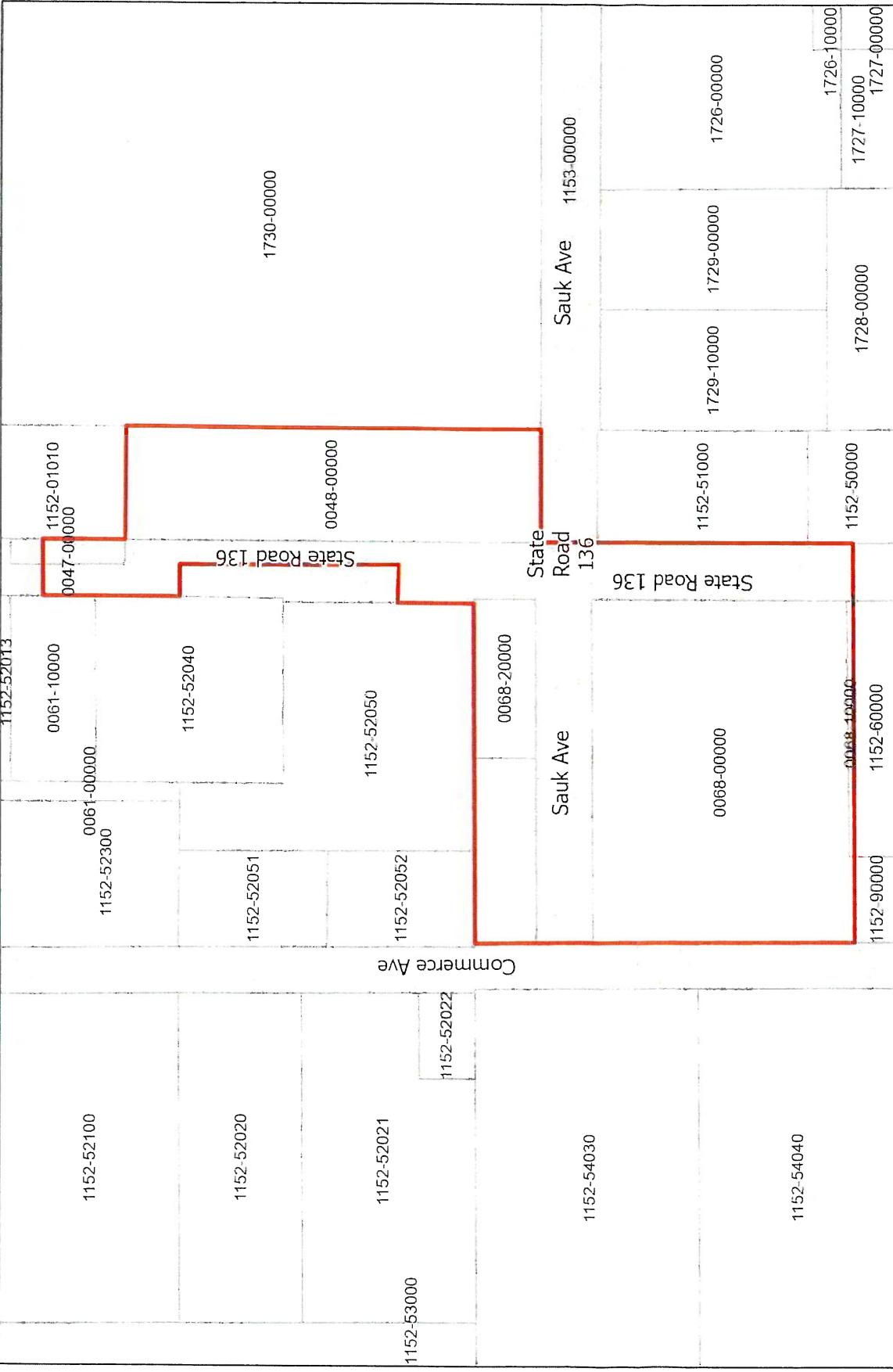
ANNEXATION EXHIBIT
FOR
CITY OF BARABOO

CITY OF BARABOO
SAUK COUNTY, WISCONSIN

NO. DATE REVISION BY CHKD
THIS INSTRUMENT DRAFTED BY T. KASPER SHEET 1 OF 1

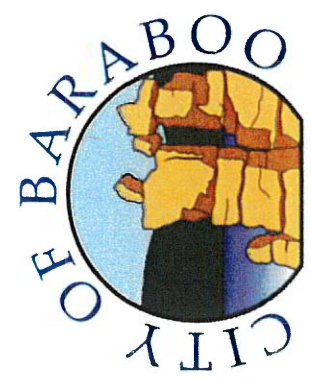
GROTHMAN & ASSOCIATES S.C.
PROFESSIONAL SERVICES

625 EAST SLIFER STREET, P.O. BOX 373 PORTAGE, WI. 53901
PHONE: PORTAGE: (608) 742-7788 SAUK: (608) 644-8877
FAX: (608) 742-0434 E-MAIL: surveying@grothman.com
(RED LOGO REPRESENTS THE ORIGINAL MAP)

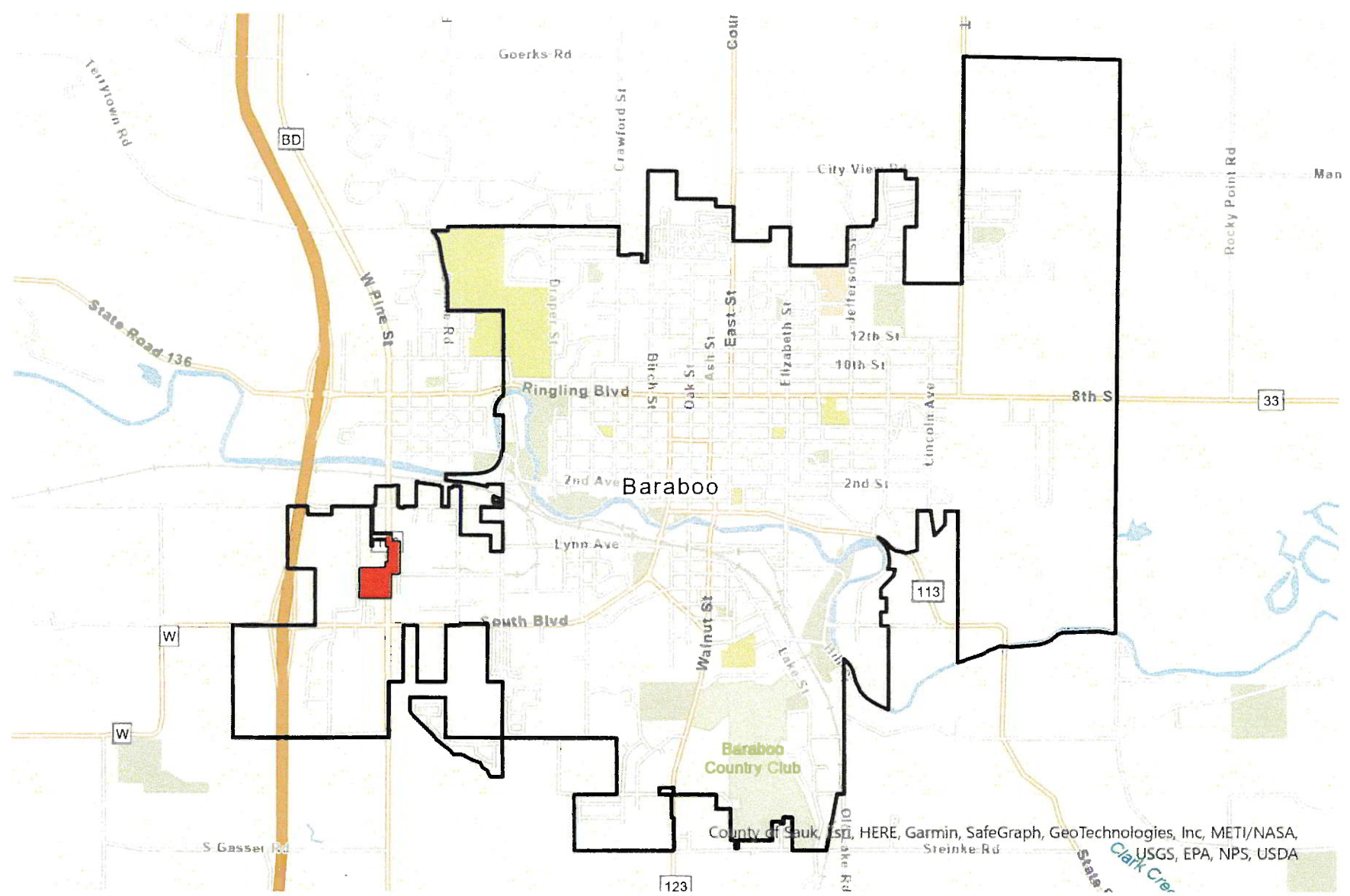


Legend

- Proposed Annexation Boundary

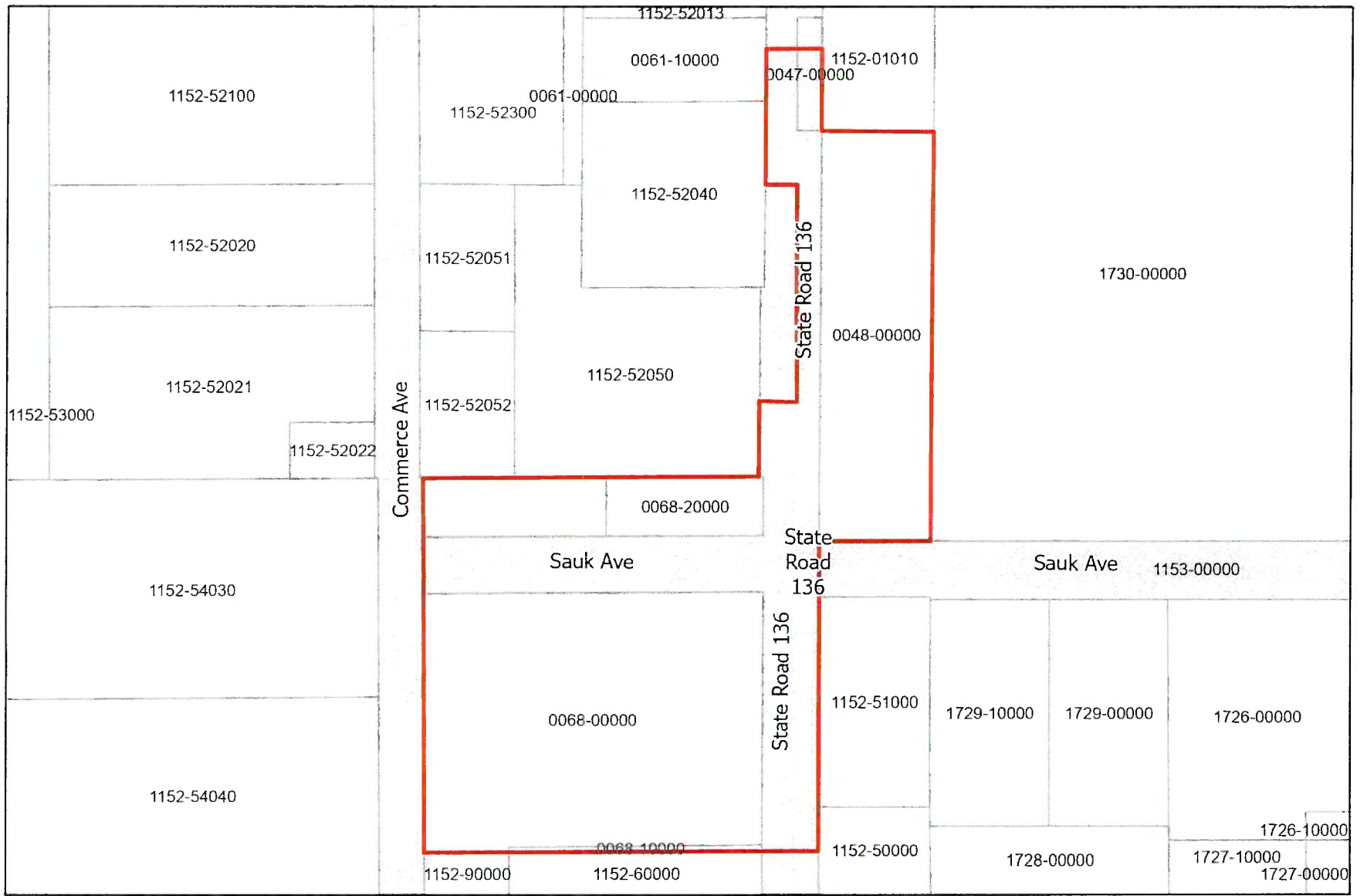


PROPOSED ANNEXATION LOCATION MAPS



Legend

■ Proposed Annexation



Legend

□ Proposed Annexation Boundary

