## Request for **Annexation Review**

Wisconsin Department of Administration

Petitioner Information	Office use only:				
Name: KETTLE PARK WEST, LLC	- RECENED				
Address: C/O FORWARD DEVELOPMENT GROUP, LLC					
161 HORIZON DR., STE. 101A	- NOV 62020				
VERONA, WI 53593	Municipal Councilly Review Wisconsin Deplinof Agricin				
Email: DMJ@FORWARDDEVGROUP.COM	European antipipar				
1. Town where property is located: RUTLAND	_ Petitioners phone:				
2. Petitioned City or Village: STOUGHTON	_608-848-9050				
3. County where property is located: DANE	_				
4. Population of the territory to be annexed: 0	Town clerk's phone: 608-455-3925				
5. Area (in acres) of the territory to be annexed: 4.010	_				
<ol><li>Tax parcel number(s) of territory to be annexed (if the territory is part or all of an existing parcel):</li></ol>					
ar the territory is part of all of an existing darcen	City/Village clerk's phone: 608-873-6677				

Representative's Name and Address:	Surveyor or Engineering Firm's Name & Address:
ATTY. DAN O'CALLAGHAN	JSD PROFESSIONAL SERVIES, INC.
CARLSON BLACK O'CALLAGHAN &	
BATTENBERG, LLP	161 HORIZON DR.
222 W. WASHINGTON AVE., STE., 705	VERONA, WI
MADISON, WI 53703	
Phone: 608-888-1685	Phone: 608-848-5060
E-mail:	
DAN.OCALLAGHAN@CARLSONBLACK.CO	
M	E-mail:

## Required Items to be provided with submission (to be completed by petitioner):

- 1. X Legal Description meeting the requirements of <u>s.66.0217 (1) (c)</u> [see attached annexation guide]
- $\boxtimes$  Map meeting the requirements of <u>s. 66.0217 (1) (g)</u> [see attached annexation guide] 2.
- 3. Signed Petition or Notice of Intent to Circulate is included
- 4. Indicate Statutory annexation method used:

☐ Unanimous per <u>s. 66.0217 (2)</u>, or, •

OR

٠

- Direct by one-half approval per s. 66.0217 (3)
- Check or money order covering review fee [see next page for fee calculation] 5.

## 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)

Include check or money order, payable to: Department of Administration Do not attach the check with staples, tape, …
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 <u>AND</u> REVIEW FEE
Shaded Area for Office Use Only
Shaded Area for Office Use Only Date fee received: <u>11-6-2020</u> Payee: <u>Kettle_Park West LCC</u> Check Number: <u>2002</u> Check Date: <u>[0-30-20</u> Amount] <u>950</u>

## 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 <u>66.0217 (3) (a)</u> , if by one-half approval. -See <u>66.0217 (3) (b)</u> , 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 adjoiners 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 <u>s. 66.0217(4)</u>.

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.]



CARLSON BLACK O'CALLAGHAN & BATTENBERG LLP

Dan O'Callaghan 222 W. Washington Ave., Ste. 705 Madison, WI 53703-2745 direct: 608.888.1685 dan.ocallaghan@carlsonblack.com

November 10, 2020

## VIA U.S. MAIL AND EMAIL

Holly Licht, City Clerk 207 S. Forrest St. Stoughton, WI 53589

Re: Annexation Petition filed by Kettle Park West, LLC

RECEIVED November 10, 2020 Municipal Boundary Review Wisconsin Dept. of Admin.

Dear Ms. Licht:

On behalf of Kettle Park West, LLC, enclosed for filing please find a Petition for Direct Annexation by Unanimous Consent, which seeks to annex approximately 4 acres from the Town of Rutland to the City of Stoughton, as more fully described in the petition. Copies of the petition are being filed with the Department of Administration and the Rutland Town Clerk.

Very truly yours,

## CARLSON BLACK O'CALLAGHAN & BATTENBERG LLP

Daniel O'Callaghan

Enclosure

cc: David Jenkins, Kettle Park West, LLC Dawn George, Clerk, Town of Rutland Erich Schmidtke, Municipal Boundary Review, DOA Rodney Scheel, Planning Director, City of Stoughton

## PETITION FOR DIRECT ANNEXATION BY UNANIMOUS CONSENT PURSUANT TO § 66.0217(2) OF THE WISCONSIN STATUTES

The undersigned, constituting the only owner of the real property described on the attached <u>Exhibit A</u> and depicted on the scale map attached as <u>Exhibit B</u>, which property is currently located within the Town of Rutland and is contiguous to the City of Stoughton, hereby petitions the Common Council of the City of Stoughton to annex said territory to the City of Stoughton.

The territory proposed for annexation from the Town of Rutland to the City of Stoughton consists of part of the following tax parcel: 052/0510-013-8000-8. There are no electors residing within the territory to be annexed and the population of the territory to be annexed is zero. The territory to be annexed has no improvements.

The undersigned requests that this annexation be approved and take effect in the manner provided for by law and that the City of Stoughton may designate a temporary zoning classification which is consistent with City of Stoughton zoning ordinances.

Dated this 10th day of November , 2020.

**OWNER:** 

KETTLE PARK WEST, LLC By: Forward Development Group, LLC, its manager

By: Dand m

David M. Jenkins, Manager

#### EXHIBIT A

## **LEGAL DESCRIPTION**

Part of the Northeast Quarter of the Southwest Quarter of Section 01, Township 05 North, Range 10 East, Town of Rutland, Dane County, Wisconsin, more particularly described as follows:

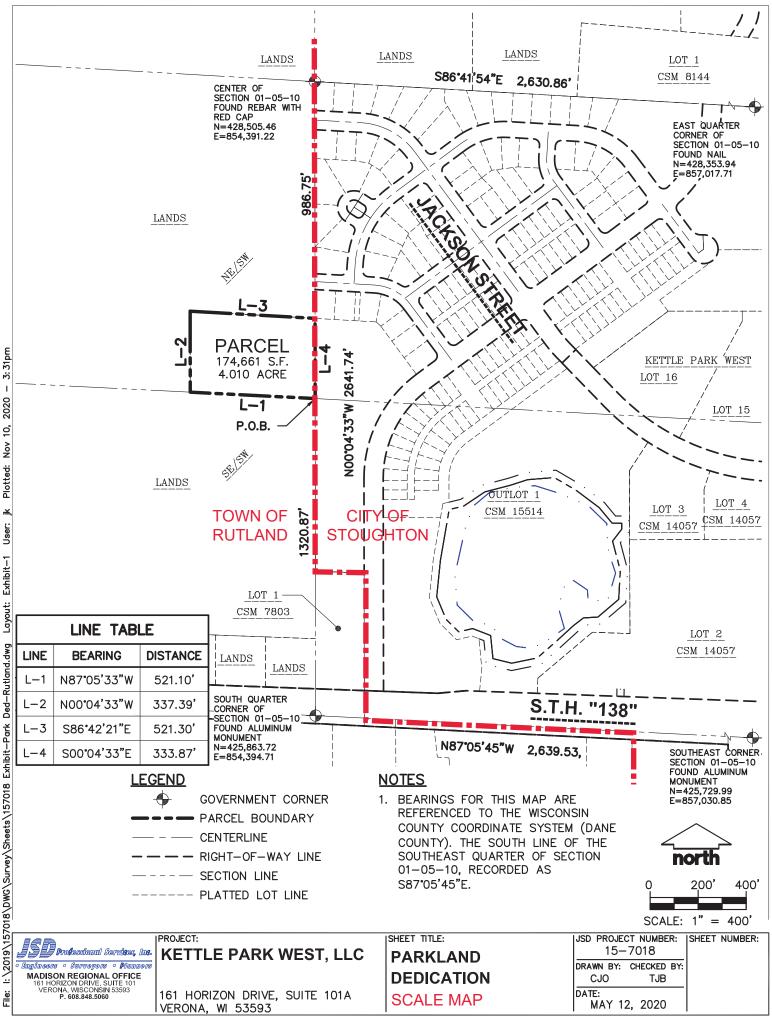
Beginning at the Center of Section 01, aforesaid; thence South 00 degrees 04 minutes 33 seconds East along the East line of the Southwest Quarter of Section 01, aforesaid, 866.54 feet to the Point of Beginning; thence continuing along said East line, South 00 degrees 04 minutes 33 seconds East, 454.33 feet to the Southeast corner of the Northeast Quarter of the Southwest Quarter; thence North 87 degrees 05 minutes 18 seconds West along the South line of the Northeast Quarter of the Southwest Quarter, 383.91 feet; thence parallel to the East line of the Southwest Quarter, North 00 degrees 04 minutes 33 seconds West, 456.90 feet; thence South 86 degrees, 42 minutes 21 seconds East, 384.05 feet to the East line of the Southwest Quarter and the Point of Beginning. does not match map

Said parcel contains 174,676 square feet or 4.010 acres.

## <u>EXHIBIT B</u>

## SCALE MAP

[Attached]



## 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: Kettle Park West	Petition Number: 14357				
	To CITY OF STOUGHTON				
2. Area (Acres): <u>4.010</u>					
3. Pick one: V Property Tax Payments OF	R 🛛 Boundary Agreement				
a. Annual town property tax on territory to be annexed:	a. Title of boundary agreement				
\$ to be confirmed but estimated to be < *10/year	b. Year adopted				
b. Total that will be paid to Town	c. Participating jurisdictions				
(annual tax multiplied by 5 years): estimated 50	d. Statutory authority (pick one)				
c. Paid by: 🔯 Petitioner 🛛 City 🗖 Village	□ s.66.0307 □ s.66.0225 □ s.66.0301				
□ Other:					
4. Resident Population: Electors: O Total:	2				
5. Approximate present land use of territory:					
Residential:% Recreational:% Comr	nercial:% Industrial:%				
Undeveloped: <u>////////////////////////////////////</u>					
6. If territory is undeveloped, what is the anticipated use?					
Residential:% Recreational: _ <i>IOO</i> % Comr	nercial:% Industrial:%				
Other:%					
Comments: The City anticipates this parcel t	o be used for park & open space purposes.				
7. Has a preliminary or final plat been submitted to the Plan	Commission: Ves Vo				
Plat Name: Not for this parcel specifically	but is adjacent to The Meadurs at Kettle Pa				
8. What is the nature of land use adjacent to this territory in the	e city or village?				
E - Adjacent to city Property planned for	Park & open space.				
In the town?: N& W - Ag : S - General Farmla	nd Preservation Zoning				
9. What are the basic service needs that precipitated the reque	est for annexation?				
☑ Sanitary sewer	orm sewers				
Police/Fire protection     EMS     Zoning					
Other Expansion of City Park & Open Space	C.				

10. Is the city/villag	e or	town	capab	le of provi	ding needed	l utility se	ervices?	<b>)</b>					
City/Village	X	Yes		No	Town	n 🗆	Yes	X	No				
If yes, approx	imat	e time	etable	for providi	ng service:	Citv	y/Village	Э	Town				
,				·			,						
,													
		A~ U	Irban	Service	Area Ame	ndment	IS No	cess	ary be	fore ex	tension	0 ( 5	ervices to
	1	Water	Supp	l <u>y</u> immedia	ately							this p	roperty.
	)	or, wri	ite in n	umber of	years.	5	<u> </u>		. <u> </u>				
Will provision of expenditures (i.e □ Yes ⊠	e. trea				1910						·		s)?
If yes, identify th		ture o	f the a	nticipated	improveme	nts and t	heir pro	bable	e costs:				
11. Planning & Zor	ning:												
a. Do you have a	a cor	npreh	ensive	plan for t	he City/Villa	ge/Town	?	Y Y	es 🗆	No			
Is this annexa	tion	consis	stent w	ith your c	omprehensi	ve plan?		🛛 Y	es 🗆	No			
b. How is the an	nexa	tion te	ərritory	now zone	ed? <u>Cou</u>	sty Zor	Ving	FP	-35	Genera	1 Farm	iland	Preservation
c. How will the la	and b	e zon	ed and	d used if a	innexed?	RH-R	ural	Holdi	ng to si	lart th	en lik	ely Ins	titutional (
12. Elections: D N more information, p annexation checkli	lew v	vard o e con	or 🖾 E: tact th	xisting wa e Wiscons	rd? Will the sin Election	annexat Commis	ion crea	ate a i	new ward	or join a	in existi	ng ward	? For
13. Other relevant	infor	matior	n and	comments	bearing up	on the p	ublic int	erest	in the anr	exation:			
												becom	le
part	6	the	City.	This	parcel is	contig	uous	to	stough t	on Hur	vic i pal	bour	daries
and	a	dja	cest	to C	ity - owne	d lan	d.						
Prepared by:	Tow	n 🔽	City	🗆 Villa	ige		Pleas	e RE	TURN P	ROMPT	LY to:		
Name:	od	Ney	Sch	ee/			<u>wimu</u>	nicipa	albounda	ryreviev	w@wi.g	ov	
Email:	sch	reel	e ci	. stoug)	ton. wc. 1	us	Munic	ipal B	oundary I	Review			
			3-60				PO Bo	ox 164	45, Madis	on WI 53	3701		
Date:		1	1/202				Fax: (	608) 2	264-6104				
(March 2018)	)		1										

PETITION	#	_
----------	---	---

## **REAL PROPERTY LISTERS ANNEXATION REVIEW**

1. Territory to be annexed:	From Town of:	To City/Village of:
4.010 acres	Rutland	Stoughton

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

## **Location and Position**

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

## **Petition and Map Information**

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

#### 3. Other relevant information and comments:

The legal description used as a description for the annexed lands does not match the area shown on the corresponding map. The legal description also does not match the description of lands deeded to the petitioner, so if the described lands are annexed it would include lands of others. If the legal description were to be amended to match the lands displayed on the map it would then include lands of the petitioner.

Prepared by:	_Jim Czaplicki
Title:	_Land Records Review Analyst
Phone:	_(608) 267-3529
Date:	_11/12/2020

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

## NOV 2 5 2020

# Annexation Review Questionnaire

## Wisconsin Department of Administration

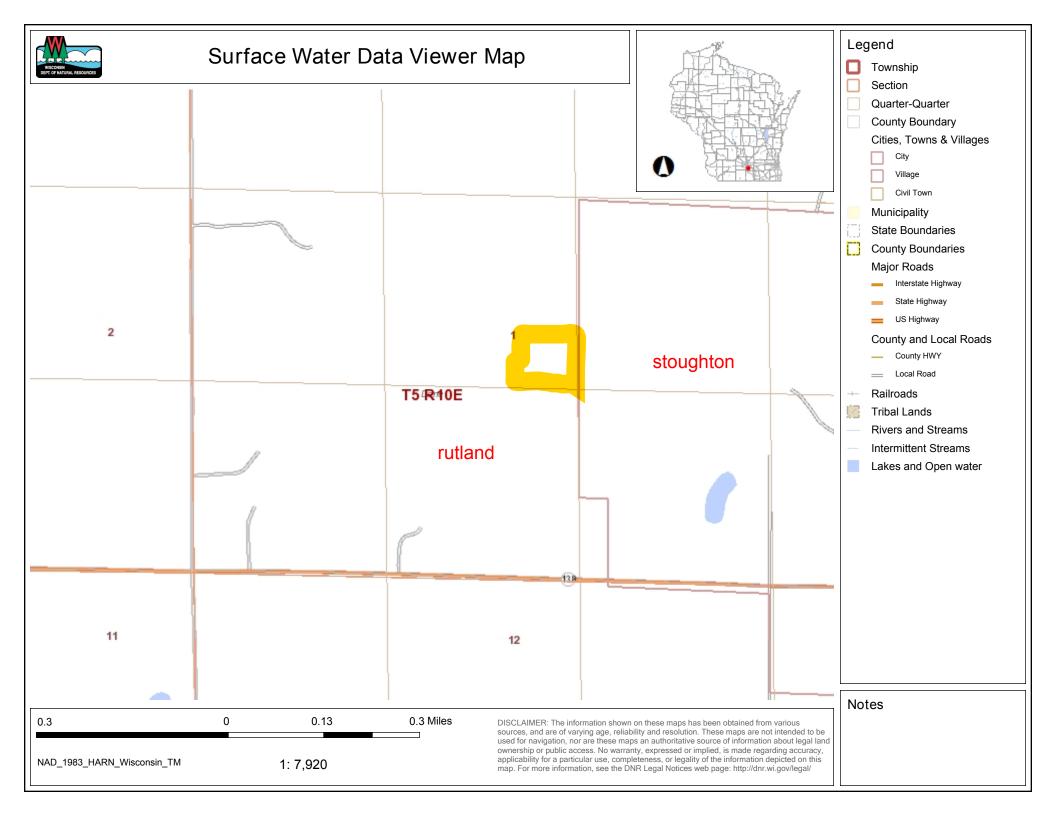
WI Dept. of Administration Municipal Boundary Review PO Box 1645 Madison WI 53701 608-264-6102 Fax: 608-264-6104 wimunicipalboundaryreview@wi.gov http://doa.wi.gov/municipalboundaryreview

Petitioner: Kettle Park West	Petition Number: 14357
1. Territory to be annexed: From TOWN OF RUTLAND	To CITY OF STOUGHTON
2. Area (Acres): <u>4,010</u>	
3. Pick one: Property Tax Payments 0	R   Boundary Agreement
a. Annual town property tax on territory to be annexed:	a. Title of boundary agreement
\$ 964,12	b. Year adopted
b. Total that will be paid to Town	c. Participating jurisdictions
(annual tax multiplied by 5 years): $4820.60$	d. Statutory authority (pick one)
c. Paid by:  Petitioner  City  Village	□ s.66.0307 □ s.66.0225 □ s.66.0301
□ Other:	
4. Resident Population: Electors: Total:	
5. Approximate <b>present land use</b> of territory:	
Residential:% Recreational:% Com	mercial:% Industrial:%
Undeveloped: <u>/////</u> %	
6. If territory is undeveloped, what is the anticipated use?	
Residential:% Recreational:% Com	mercial:% Industrial:%
Other:%	
Comments:	
7. Has a □ preliminary or □ final plat been submitted to the Plan	n Commission: 🗆 Yes 🗶 No
Plat Name:	~
8. What is the nature of land use adjacent to this territory in the	e city or village?
In the town?: dq vise	
9. What are the <b>basic service needs</b> that precipitated the reque	st for annexation?
Sanitary sewer     Sanitary sewer     State Supply     State Supply	orm sewers
Police/Fire protection     EMS     Zo	ning
Other	

10. Is the city/village or town capable of providing needed util	
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.	
Water Supply immediately	
or, write in number of years.	
Will provision of sanitary sewers and/or water supply to the expenditures (i.e. treatment plant expansion, new lift statio	
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 p	olan? 🗆 Yes 🗆 No
b. How is the annexation territory now zoned? <u><math>FP</math></u>	35
c. How will the land be zoned and used if annexed?	·
12. Elections: <ul> <li>New ward or</li> <li>Existing ward? Will the and more information, please contact the Wisconsin Election Cor annexation checklist here: <a href="http://elections.wi.gov/forms/el-">http://elections.wi.gov/forms/el-</a></li> </ul>	nmission at (608) 266-8005, <u>elections@wi.gov</u> or see thei
13. Other relevant information and comments bearing upon t	he public interest in the annexation:
Prepared by:  Town  City  Village	Please RETURN PROMPTLY to:
Name: DAWN (SEORGE)	wimunicipalboundaryreview@wi.gov
Emplie de la concerne	 Municipal Boundary Review
Phone: 11,18) 453-3925	PO Box 1645, Madison WI 53701
	Fax: (608) 264-6104
Date: 11/14 /2020	

(March 2018)







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

November 30, 2020

HOLLY LICHT, CLERK CITY OF STOUGHTON 207 S FORREST ST STOUGHTON, WI 53589-1724 DAWN GEORGE, CLERK TOWN OF RUTLAND 4177 OLD STAGE RD BROOKLYN, WI 53521-9473

## Subject: KETTLE PARK WEST ANNEXATION

The proposed annexation submitted to our office on November 10, 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 STOUGHTON**, which is able to provide needed municipal services.

Note: The boundary of the territory to be annexed as shown on the scale map does not match the boundary described in the legal description; please revise so that the boundary map and description match prior to inclusion in the annexation ordinance.

Note: The Dane County Land Records Review Analyst has the following comments: The legal description used as a description for the annexed lands does not match the area shown on the corresponding map. The legal description also does not match the description of lands deeded to the petitioner, so if the described lands are annexed it would include lands of others. If the legal description were to be amended to match the lands displayed on the map it would then include lands of the petitioner.

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 14357 with your ordinance.** Ordinance filing checklist available at <u>http://mds.wi.gov/</u>, click on "Help on How to Submit Municipal Records". Email scanned copy of required materials (color scan maps with color) to <u>mds@wi.gov</u> or mail to: Wisconsin Department of Administration, Municipal Boundary Review, PO Box 1645, Madison WI 53701-1645.

#### PETITION FILE NO. 14357

Page 2 November 30, 2020

The petition file is available for viewing at: <u>http://mds.wi.gov/View/Petition?ID=2431</u> Please call me at (608) 264-6102, should you have any questions concerning this annexation review.

Sincerely,

& Standle Sim

Erich Schmidtke, Municipal Boundary Review

cc: petitioner