

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: **CHERYL STELSE CAIN, LARRY WILLIAM CAIN,
TREVOR SCHULZ**

Address: **675 E. EDGEWOOD DRIVE**

APPLETON, WI 54913

Email: **SIERRACFC@AOL.COM**

Office use only:

RECEIVED

December 18, 2020

Municipal Boundary Review
Wisconsin Dept. of Admin.

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: **5**

5. Area (in acres) of the territory to be annexed: **0.77 ACRES M/L**

6. Tax parcel number(s) of territory to be annexed
(if the territory is part or all of an existing parcel): **101038801**

Petitioners phone:

920-832-3800

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:

JESSICA TITEL, PRINCIPAL PLANNER

CITY OF APPLETON

100 N. APPLETON STREET

APPLETON, WI 54911

Phone: **920-832-6476**

E-mail: **JESSICA.TITEL@APPLETON.ORG**

Surveyor or Engineering Firm's Name & Address:

TOM KROMM, CITY SURVEYOR

CITY OF APPLETON

100 N. APPLETON STREET

APPLETON, WI 54911

Phone: **920-832-6480**

E-mail: **TOM.KROMM@APPLETON.ORG**

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

\$200 Initial Filing Fee (required with the first submittal of all petitions)

\$200 – 2 acres or less

\$350 – 2.01 acres or more

\$200 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

\$400 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: 12-16-2020

Payee: Larry W Cain

Check Number: 1253

Check Date: 12-7-20

Amount: \$400⁰⁰

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.]



"...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

December 10, 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. A20-0711

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 Cain 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:jljg



**PETITION FOR DIRECT ANNEXATION BY UNANIMOUS APPROVAL
PURSUANT TO SECTION 66.0217(2), WISCONSIN STATUTES**

I/We, the undersigned, constituting all of the sole owner of the real property and all of the electors that reside in the following territory of the Town of Grand Chute, Outagamie County, Wisconsin, 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.

The East 200 feet of the North 217.8 feet of the West One-half (W ½) of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of Section Eleven (11), Township Twenty-one (21) North, Range Seventeen (17) East, Town of Grand Chute, Outagamie County, Wisconsin, less that part reserved for highway purposes, containing 0.77 Acres of land m/l.

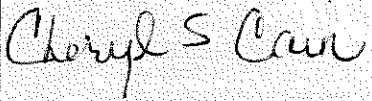
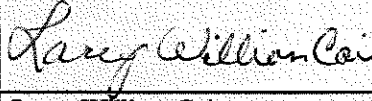

The current population of such territory is 5. The number of electors that reside on the lands to be annexed is 1.

I/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.

I/We further respectfully request that the City Plan Commission initiate a rezoning for the subject property, from temporary AG Agricultural District to a permanent zoning classification of R-1A Single-Family District.

Area of lands to be annexed contains 0.77 acres m/l.

Tax Parcel number of lands to be annexed: 101038801

Signature of Petitioner	Owner/Elector	Date of Signing	Address of Petitioner (Include Zip Code)
	Owner (Larry W. & Cheryl S. Cain Revocable Trust 2012)	12/4/2020	818 E. Pondview Court Appleton, WI 54913
Cheryl Stelse Cain			
	Owner (Larry W. & Cheryl S. Cain Revocable Trust 2012)	12/4/2020	818 E. Pondview Court Appleton, WI 54913
Larry William Cain			
	Elector	12/5/2020	675 E. Edgewood Drive Appleton, WI 54913
Trevor Schulz			

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: Cheryl Stelse Cain, Larry William Cain, Trevor Schulz

Petition Number:

1. Territory to be annexed: From **TOWN OF GRAND CHUTE** To **CITY OF APPLETON**

2. Area (Acres): 0.77 m/l

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

Intermunicipal Agreement

b. Year adopted

1992

c. Participating jurisdictions

City of Appleton and Town of Grand Chute

d. Statutory authority (pick one)

66.027 & 66.30

4. Resident Population: 5 Electors: 1 Total: 5

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

Residential: 100 % Recreational: _____ % Commercial: _____ % Industrial: _____ %

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

N/A

Comments: _____

7. Has a ☐ preliminary or ☐ final plat been submitted to the Plan Commission: ☐ Yes ☒ No

Plat Name: N/A

8. What is the **nature of land use adjacent** to this territory in the city or village?

Single-family residential

In the town?: Single-family residential

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? (water)

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 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? AGD General Agricultural District (Town of Grand Chute Zoning)

c. How will the land be zoned and used if annexed? R-1A Single family district / Single-family residential

12. Elections: ☐ New ward or ☒ Existing ward? 20

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: N/A

Prepared by: ☐ Town ☒ City ☐ Village

Name: Jessica Titel, Principal Planner

Email: jessica.titel@appleton.org

Phone: 920-832-6476

Date: 12-9-20

(March 2018)

Please **RETURN PROMPTLY** to:

wimunicipalboundaryreview@wi.gov

Municipal Boundary Review

PO Box 1645, Madison WI 53701

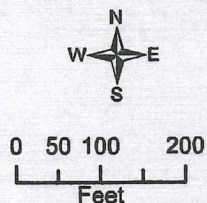
Fax: (608) 264-6104

ANNEXATION EXHIBIT

The East 200 feet of the North 217.8 feet of the West One-half (W ½) of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of Section Eleven (11), Township Twenty-one (21) North, Range Seventeen (17) East, Town of Grand Chute, Outagamie County, Wisconsin, less that part reserved for highway purposes, containing 0.77 Acres of land m/l.



BEARINGS ARE REFERENCED TO THE
WISCONSIN COUNTY COORDINATE SYSTEM
OUTAGAMIE COUNTY, NORTH LINE OF
NORTHEAST 1/4 OF SECTION 11, T.21N, R.17E
Recorded to bear S89,14'49"E



CITY OF APPLETON
DEPT OF COMMUNITY
AND ECONOMIC DEVELOPMENT
GIS DIVISION
100 NORTH APPLETON STREET
APPLETON WI 54911
920-832-6468
MAPPED BY J SCHNEIDER
LEGAL DESC BY T KROMM
Date: 12/3/2020

PETITION # _____

REAL PROPERTY LISTERS ANNEXATION REVIEW

1. Territory to be annexed:

101038801

| From Town of:
TOWN OF GRAND CHUTE

| To City/Village of:
CITY OF APPLETON

|

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, ¼ - ¼ 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 **SEE COMMENTS**

__Y__ (2) Identify parcel ID numbers included in annexation.

__N/A__ (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

__N__ (7) Legend

__Y__ (8) Total area/acreage of annexation

3. Other relevant information and comments:

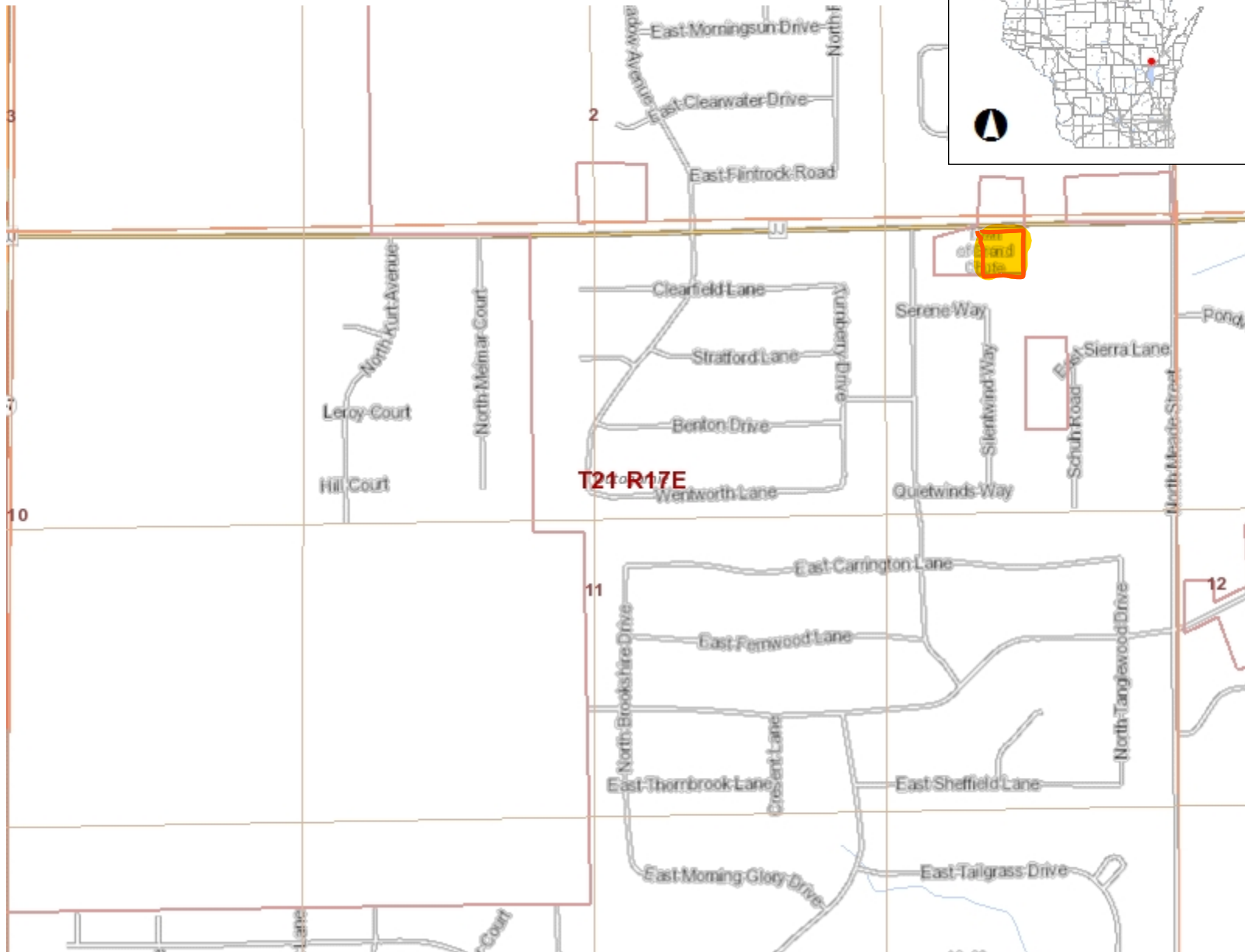
****WE SHOW OWNERSHIP FOR PARCEL 101038801 AS LARRY W AND CHERYL S CAIN REVOCABLE TRUST**

Prepared by: TERRI A LISON_____
Title: REAL PROPERTY LISTER_____
Phone: 920-832-5665_____
Date: 12-29-2020_____

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

- 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

0.3 0 0.13 0.3 Miles

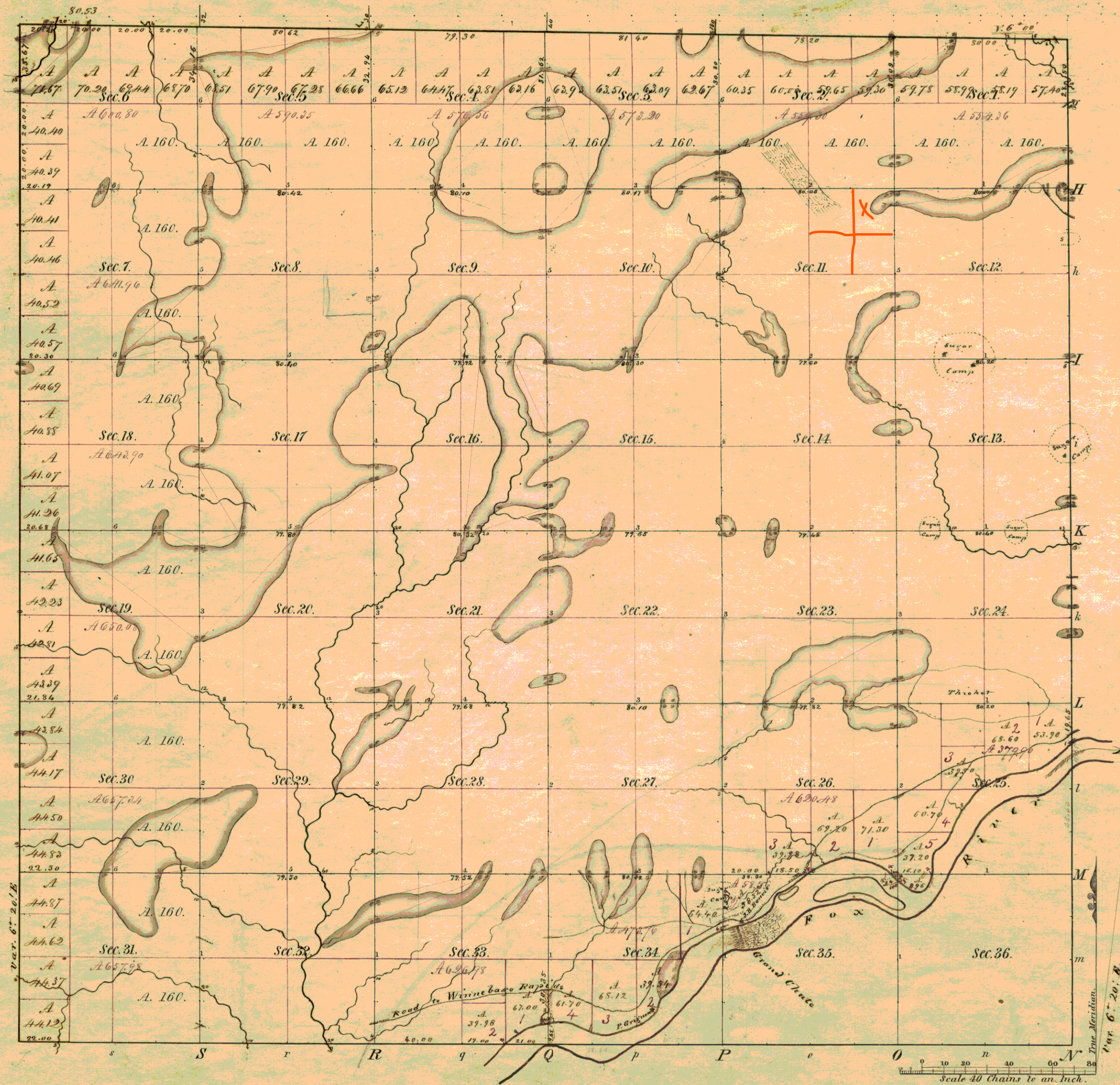
NAD_1983_HARN_Wisconsin_TM

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 17 East, 4th Mer.



Posts	Courses	Ch. Lk.	Posts	Courses	Ch. Lk.	Posts	Courses	Ch. Lk.
<i>Left bank up stream</i>								
1	S. 51° W.	16.80						
	S. 72° W.	7.00						
	S. 80° W.	11.20						
	S. 69° W.	9.20						
	S. 49° W.	2.00						
	S. 41° W.	8.50						
	S. 32° W.	12.50						
	S. 26° W.	8.50						
	S. 21° W.	7.14						
	South	9.24						
2	S. 16° W.	2.00						
	S. 31° W.	1.50						
	S. 53° W.	2.90						
	S. 86° W.	2.00						
	N. 68° W.	2.00						
	N. 47° W.	7.12						
	N. 43° W.	2.13						
3	N. 56° W.	1.23						
4	N. 56° W.	8.10						
	N. 78° W.	15.50						
	S. 71° W.	10.15						
	S. 59° W.	8.78						
	S. 73° W.	1.20						
5	S. 53° W.	12.50						
	S. 68° W.	2.50						
	S. 26° W.	9.25						
	S. 60° W.	7.40						
	S. 70° W.	6.86						
	S. 70° W.	8.70						
6	S. 59° W.	17.10						
	S. 49° W.	5.50						
	S. 19° W.	2.80						
	S. 77° W.	1.50						
	S. 61° W.	2.00						
	S. 25° W.	4.50						
	S. 44° W.	9.20						
	S. 12° W.	5.50						
	S. 40° W.	6.55						
	S. 56° W.	7.20						
	S. 65° W.	5.50						
	S. 80° W.	8.65						
	N. 82° W.	3.50						
	N. 69° W.	16.00						
	S. 80° W.	5.00						
	S. 73° W.	2.60						
7	S. 82° W.	5.00						
	S. 68° W.	6.50						
	S. 55° W.	11.00						
8	S. 59° W.	9.89						

Total number of Acres 2102.47

Surveys Designated	By Whom Surveyed	Date of Contract	Amount of Surveys	When Surveyed	When p ^d for and ch ^d in the Sur ^y Gen ^l 's acc ^t
Township line	Garret Vliet	May 19 1838	M. Ch ^s Lks.	January 1839	2 nd Q ^r 1839
Subdivisions	Theodore Conkey	Aug. 8, 1843	60. 58. 58	November 1843	4 th Q ^r 1844
Township lines.	A. G. Ellis	May 18, 1843	16. 16. 20	2 ^d q ^r 1843	1 st Q ^r 1844

The above Map of Township N^o 21 North of Range N^o 17 East, 4th Principal Meridian Wisconsin Territory 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,
Dubuque, December 31, 1844.

James Willou
Sur. Gen^l



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>

January 07, 2021

PETITION FILE NO. 14362

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

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

Subject: CAIN ANNEXATION

The proposed annexation submitted to our office on December 18, 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 **TOWN OF GRAND CHUTE**, which is able to provide needed municipal services.

Note: The territory being annexed must be described by metes and bounds commencing from a monumented corner of a 1/4-section in which the territory lies. The scale map of the territory must clearly show and identify the existing municipal boundary. (ref: s. 66.0217 (1) (c) & (g), Wis. Stats.

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 14362 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=2436>
Please call me at (608) 264-6102, should you have any questions concerning this annexation review.

Sincerely,

Erich Schmidtke, Municipal Boundary Review

cc: petitioner



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>

January 11, 2021 **Corrected**

PETITION FILE NO. 14362

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: CAIN ANNEXATION

The proposed annexation submitted to our office on December 18, 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.

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The petition file is available for viewing at: <http://mds.wi.gov/View/Petition?ID=2436>
Please call me at (608) 264-6102, should you have any questions concerning this annexation review.

Sincerely,

Erich Schmidtke, Municipal Boundary Review

cc: petitioner