

Request for Annexation Review

Wisconsin Department of Administration

WI Dept. of Administration
Municipal Boundary Review
PO Box 1645, Madison WI 53701
608-264-6102
wimunicipalboundaryreview@wi.gov
<https://doa.wi.gov/municipalboundaryreview>

Petitioner Information

Name: **Dwight E. Claggett, et al.**

Phone:

Email:

RECEIVED

July 22, 2022

Municipal Boundary Review
Wisconsin Dept. of Admin.

Contact Information if different than petitioner:

Representative's Name: **Attorney Daniel L. Vande Zande**

Phone: **920-324-2951**

E-mail: **dan@vklaw.us**

1. Town where property is located: **Chester**

2. Petitioned City or Village: **Waupun**

3. County where property is located: **Dodge**

4. Population of the territory to be annexed: **0**

5. Area (in acres) of the territory to be annexed: **15.975 ACRES**

6. Tax parcel number(s) of territory to be annexed (if the territory is part or all of an existing parcel):
010-1315-0922-000

Include these required items with this form:

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 [see attached annexation guide]
4. ☐ Check or money order covering review fee [see next page for fee calculation]

(2021)

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

\$800 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

\$1,150 TOTAL FEE DUE (Add the Filing Fee to the Review Fee)

Include check or money order, payable to: **Department of Administration**

DON'T 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 AND REVIEW FEE**

Shaded Area for Office Use Only

Date fee & form received: 7-21-2022

Payer: Robert + Debra Levey

Check Number: 11760

Check Date: 7-18-22

Amount: 1,150.00

Levey

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).

VANDE ZANDE & KAUFMAN, LLP
ATTORNEYS AT LAW

408 EAST MAIN STREET
POST OFFICE BOX 430
WAUPUN, WISCONSIN 53963-0430
(920) 324-2951
FACSIMILE (920) 324-2968

DANIEL L. VANDE ZANDE, JD, PhD
COURT COMMISSIONER
dan@vklaw.us

CLARENCE VANDE ZANDE
1952 -1999

SAM KAUFMAN
COURT COMMISSIONER
sam@vklaw.us

July 18, 2022

Ms. Angela Hull
Waupun City Clerk
201 East Main Street
Waupun, WI 53963

Re: Annexation Petition of the Claggett family

Dear Angie:

I enclose to you the original Petition for direct annexation to the City of Waupun of real estate owned by the Claggett family. This real estate is currently located in the Town of Chester and I am therefore sending a copy of the petition to the Town Clerk on this date. I am also sending a copy of the petition to the Wisconsin Department of Administration, together with a Request for Annexation Review, and the statutory review fee.

Please notify me when the petition is scheduled before the Waupun Common Council. If you have any questions, please contact me.

Sincerely,



Daniel L. Vande Zande

DVZ/cj
enc.

cc: Wisconsin Department of Administration, w/ enc.
Clerk, Town of Chester, w/ enc.
Dwight Claggett

PETITION FOR DIRECT ANNEXATION

TO: Waupun Common Council
Ms. Angela Hull, City Clerk
201 East Main Street
Waupun, WI 53963-0232

Debra E. Levey, Susan M. Rogahn, Janice G. Bauman, Nancy B. Hodgson, f/k/a Nancy B. Maleck, Arthur O. Claggett and Dwight E. Claggett ("the petitioners") respectfully petition the City of Waupun for annexation, in accordance with Chapter 66 of the Wisconsin Statutes, as follows:

1. The real estate to be annexed to the City of Waupun ("the real estate") is presently located in the Town of Chester and is more particularly described on Exhibit "A" to this petition, which is attached and incorporated here by reference.

2. Debra E. Levey, Susan M. Rogahn, Janice G. Bauman, Nancy B. Hodgson, Arthur O. Claggett and Dwight E. Claggett are the owners of all of the real estate proposed for annexation.

3. The real estate is vacant, and no qualified electors reside on the real estate proposed for annexation. The real estate is contiguous to the City of Waupun, and is not presently served by any public water or sewer facility.


4. A scale map showing the real estate to be annexed and its proximity to the present corporate limits of the City of Waupun is included as Exhibit "B" to this petition, which is attached and incorporated here by reference.

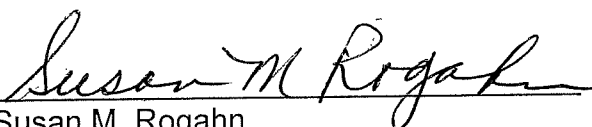
5. Simultaneously with the filing of this petition the petitioners are filing a copy of the petition and map with the Clerk of the Town of Chester, and the Department of Administration, PO Box 1645, Madison, Wisconsin, 53701.

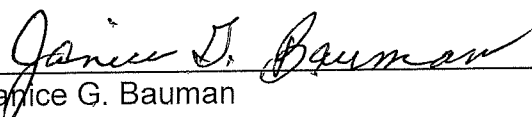
WHEREFORE, the petitioners respectfully request the following:

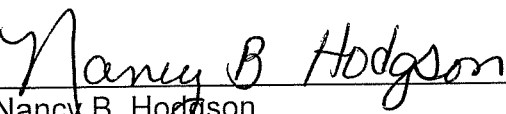
- (a) The real estate be annexed to the City of Waupun.
- (b) The real estate be zoned PCD Planned Community Development.
- (c) The real estate be provided with sewer and water service.
- (d) The real estate be placed in the First Aldermanic District

Dated this 18th day of July, 2022.


Debra E. Levey


Susan M. Rogahn


Janice G. Bauman


Nancy B. Hodgson


Arthur O. Claggett

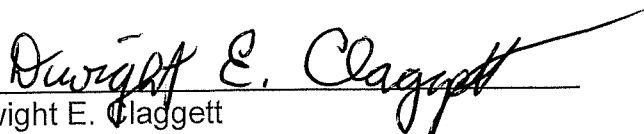

Dwight E. Claggett

EXHIBIT "A"

PROPERTY DESCRIPTION

Lot Two (2) of Certified Survey Map No. 5337 as recorded in Volume 35 of Surveys at page 54 as Document No. 991668, Town of Chester, Dodge County, Wisconsin. EXCEPT that part described in Document No. 1045007.

Property Address: State Road 26, Waupun, WI 53963

Tax Parcel Number: 010-1315-0922-000

EXHIBIT "B"

MAP LEGEND

1. Yellow Line: Delineates City-Town Boundary
2. PIN 0922-000: Tax parcel to be annexed (15.975 acres)

NOTE: parcel to be annexed is currently located in a town island.

REAL PROPERTY LISTERS ANNEXATION REVIEW

1. Territory to be annexed: 010-1315-0922-000	From Town of: Chester	To City/Village of: Waupun
--	--------------------------	-------------------------------

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

 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

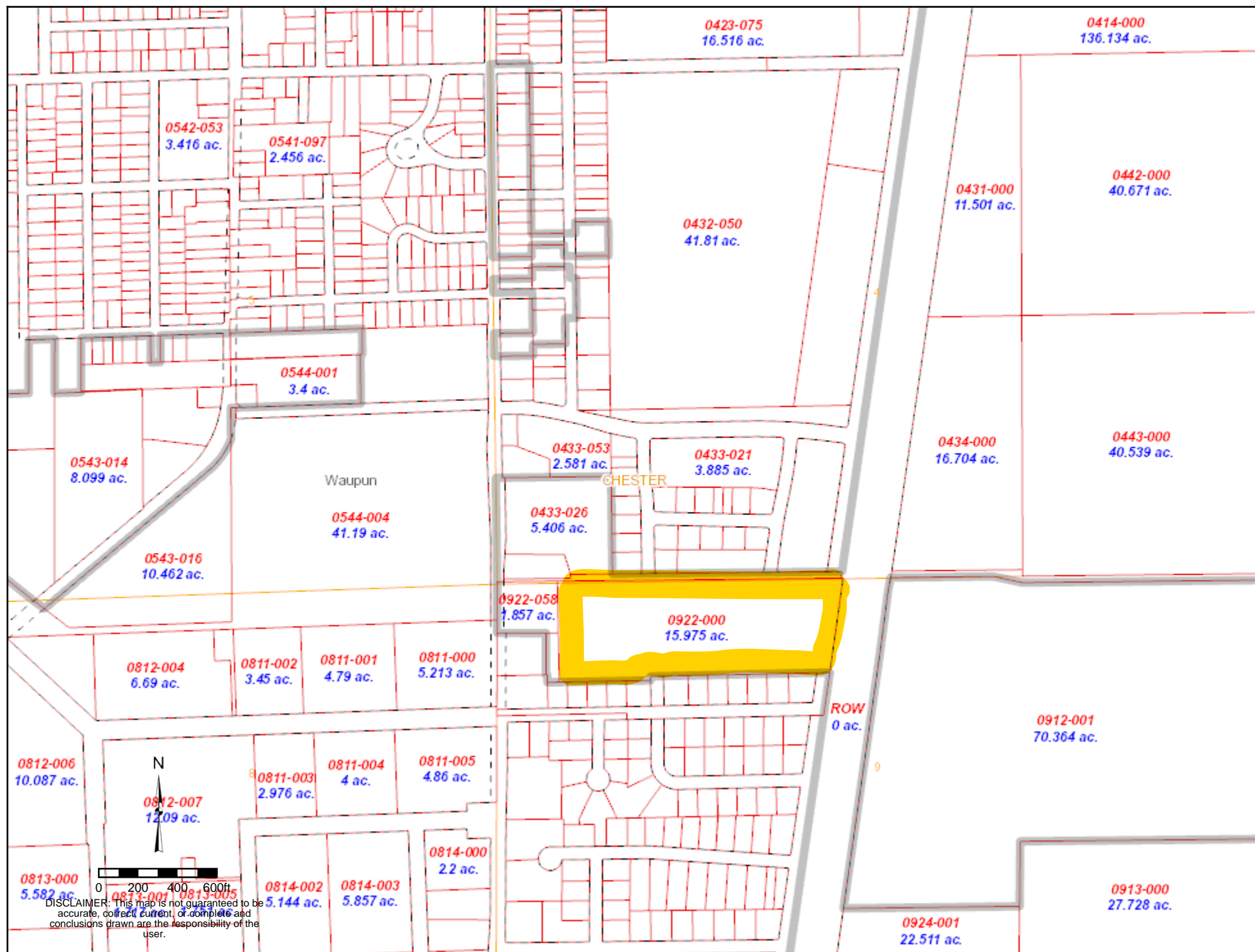
3. Other relevant information and comments:

A portion of this lot was transferred in 2005 (at that time Claggett's and now PIN 010-1315-0922-059) and intended to be added to a parcel already located in the City of Waupun (292-1315-0922-049). BOTH parcels are owned by Hoinacki Storage LLC. That 2005 deed states that the parcels are to be joined but we were unable to do so as it would cross municipal lines.

Seems like this would have been a good time to address.

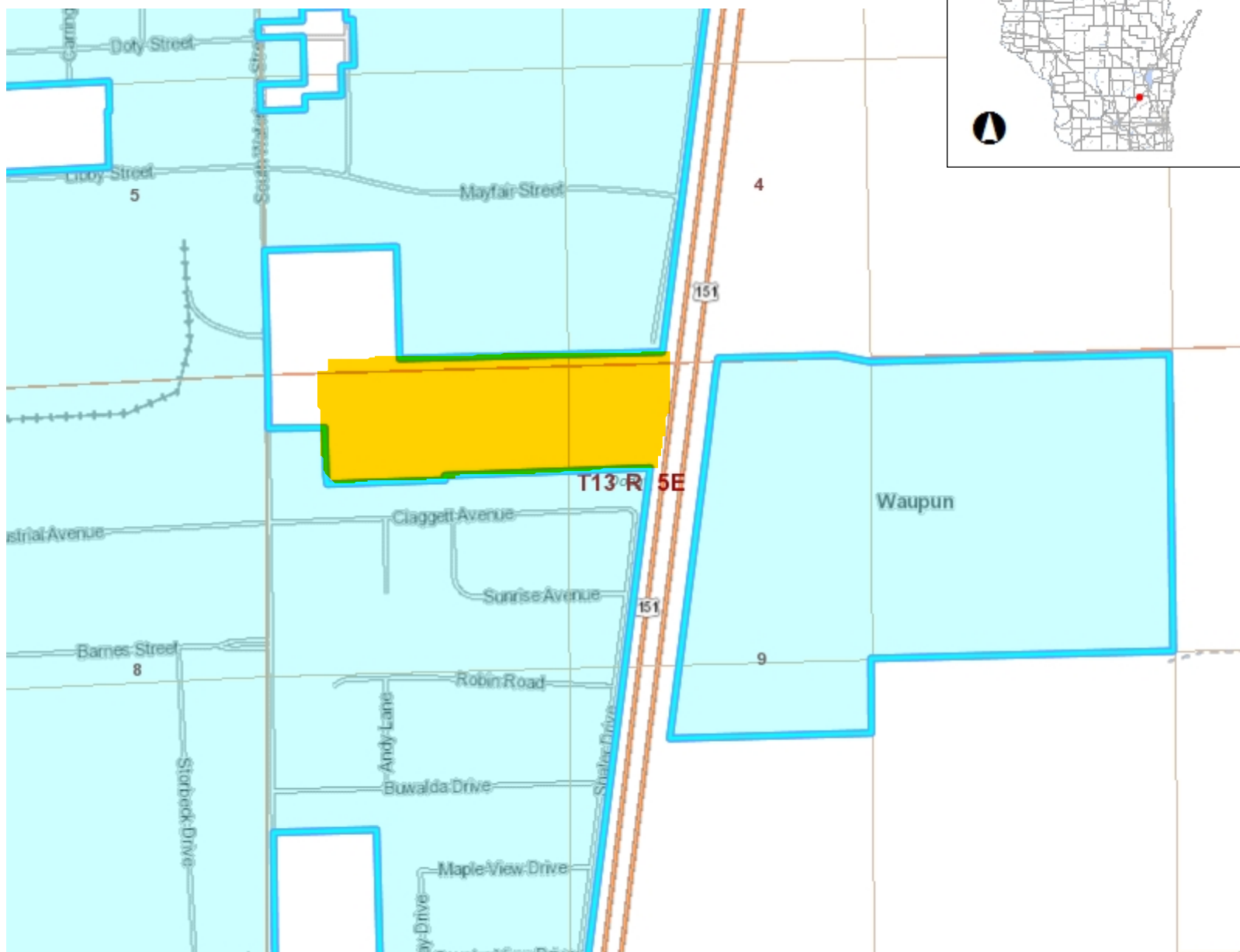
Prepared by: David Addison
 Title: Dodge County LIO
 Phone: 920-386-3773
 Date: July 27, 2022

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

Notes

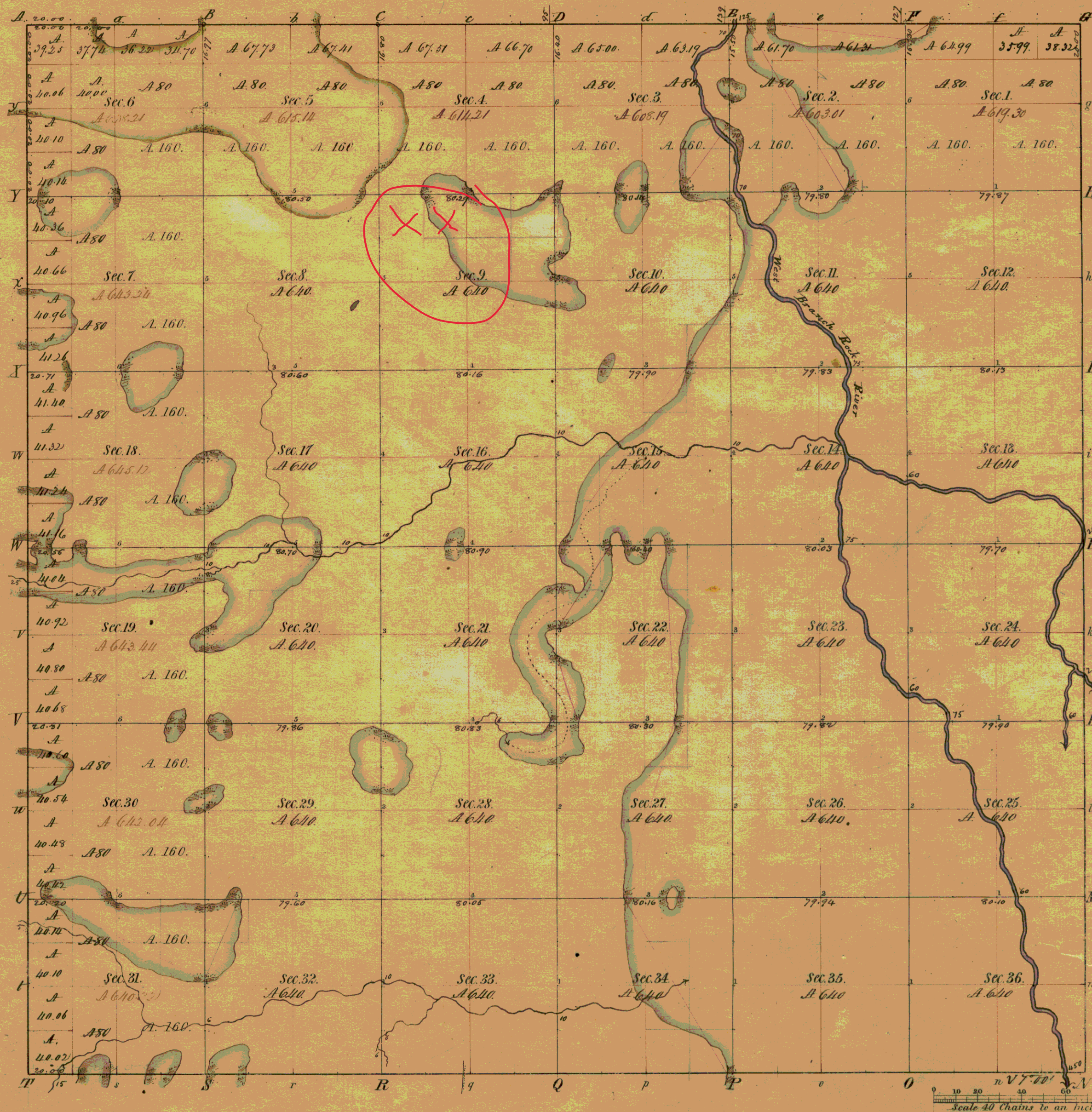
0.3 0 0.13 0.3 Miles

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/>

Township N:º XIII.— Range N:º XVE. 4th Mer. (Wis. Ter.)

[illegible]

Total number of Acres. 22,902.22.

<i>Surveys Designated</i>	<i>By Whom Surveyed</i>	<i>Date of Contract</i>	<i>Amount of Surveys</i>	<i>When Surveyed</i>	<i>When p^d for and ch.^d in the Sur. Gen^{ls} acc^t</i>
<i>Township lines</i>	<i>Mullett & Brink</i>	<i>17. Aug. 1835.</i>	<i>M. Ch^s Lks.</i> <i>24. 00. 00</i>	<i>1st 1836</i>	<i>2nd 1836</i>
<i>Subdivisions</i>	<i>A. G. Ellis</i>	<i>26. Dec. "</i>	<i>59. 62. 85</i>	<i>1st 1837</i>	<i>2nd 1837</i>

The above Map of Township No 13 — of Range No 15 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, June 23. 1837

25870 Lytle Sur.^r Gen.^l



TONY EVERS

GOVERNOR

KATHY BLUMENFELD

SECRETARY-DESIGNEE

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>

August 11, 2022

PETITION FILE NO. 14519

ANGELA J HULL, CLERK
CITY OF WAUPUN
201 E MAIN STREET
WAUPUN, WI 53963-2019

JANE FIGGE, CLERK
TOWN OF CHESTER
W6498 OAKWOOD ROAD
WAUPUN, WI 53963-9104

Subject: CLAGGETT ET AL ANNEXATION

The proposed annexation submitted to our office on July 22, 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 Waupun, which is able to provide needed municipal services.

Notes:

- 1) Section 66.0217(1), Wis. Stats. requires that annexation territory must be described by quarter section, section, town, range and then either by a lot number or by metes and bounds commencing from a monumented corner of a quarter section in which the territory lies. Furthermore, exceptions within legal descriptions are not permitted. In this case, some or all of the annexation territory may be an existing lot, however the description includes an exception. This may mean that more or less than the total lot is being petitioned in which case a metes and bounds description is required.
- 2) Section 66.0217(1), Wis. Stats. requires that annexation territory be shown by a scale map which is consistent with the legal description. After correcting the legal description, it may be necessary to revise the scale map or develop a new one. Additionally, the scale map provided does not agree with the City of Waupun's municipal boundary as depicted on the Dodge County GIS website, so the location of City boundaries should be revised accordingly.
- 3) This annexation may create a town island area isolated from the rest of the Town, contrary to section 66.0221, 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 14519 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=2593>
Please call me at (608) 264-6102, should you have any questions concerning this annexation review.

Sincerely,

A handwritten signature in black ink, appearing to read "Erich Schmidtke", with a stylized flourish at the end.

Erich Schmidtke, Municipal Boundary Review

cc: petitioner