

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>

Online Submittal and Payment: Instead of this form go to <https://appengine.egov.com/apps/wi/dir/annexation>
This will speed up the process by eliminating the time it used to take to mail the check to us.

Petitioner Information

Name: **Seville Properties, LLC-Ryan P. Radue, President/Chief Executive Officer (Registered Agent)**

Phone: **920-569-6355 EXT. 121**

Email: **Ryan@RadueHomes.com**

Contact Information if different than petitioner:

Representative's Name:

Phone:

E-mail:

RECEIVED

February 21, 2023

**Municipal Boundary Review
Wisconsin Dept. of Admin.**

1. Town(s) where property is located: **Town of Center**

2. Petitioned City or Village: **City of Appleton**

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

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

5. Area (in acres) of the territory to be annexed: **39.913 ACRES**

6. Tax parcel number(s) of territory to be annexed (if the territory is part or all of an existing parcel):
040098200

Include these required items with this form:

- ☒ Legal Description meeting the requirements of s.66.0217 (1) (c) [see attached annexation guide]
- ☒ Map meeting the requirements of s. 66.0217 (1) (g) [see attached annexation guide]
- ☒ Signed Petition or Notice of Intent to Circulate [see attached annexation guide]
- ☒ Check or money order covering review fee [see next page for fee calculation]

(November 2022)

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

2-17-23 Shaded Area for Office Use Only
Date fee & form received: ~~2-10-2023~~

Payer: Seville Properties LLC

Check Number: 2422

Check Date: 2-10-23

Amount: 1,150⁰⁰

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).



"...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

February 14, 2023

WI Department of Administration
Municipal Boundary Review
P.O. Box 1645
Madison, WI 53701

**Certified Mail –
Return Receipt Requested**

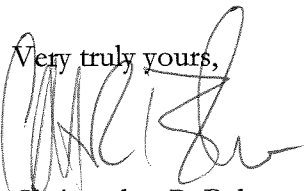
Re: Annexation
Our File No. A23-0656

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 Seville Properties Ballard & Werner Road 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.

Very truly yours,


Christopher R. Behrens
City Attorney

Enclosure

CRB:jljg



**PETITION FOR DIRECT ANNEXATION BY UNANIMOUS APPROVAL
PURSUANT TO SECTION 66.0217(2), WISCONSIN STATUTES
WHERE NO ELECTORS RESIDE IN TERRITORY**

I/We, the undersigned, constituting all of the owners of the real property in which no electors reside in the following territory of the Town of Center, Outagamie County, Wisconsin, lying contiguous to the City of Appleton petition the Common Council of the City of Appleton to annex the territory described below and shown on the attached scaled map to the City of Appleton, Outagamie County, Wisconsin.

Legal description of proposed territory to be annexed:

The Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 36, Township 22 North, Range 17 East, Town of Center, Outagamie County, Wisconsin, containing 39.913 Acres of land and being further described as follows:
Commencing at the East Quarter (E $\frac{1}{4}$) corner of said Section 36 and being the point of beginning;
Thence North $89^{\circ}36'25''$ West 1316.61 feet coincident with the South line of the NE $\frac{1}{4}$ of Section 36;
Thence North $00^{\circ}08'57''$ East 1319.65 feet coincident with the West line of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 36;
Thence South $89^{\circ}43'44''$ East 1315.59 feet coincident with the North line of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 36;
Thence South $00^{\circ}06'21''$ West 1322.45 feet coincident with the East line of the Northeast $\frac{1}{4}$ of Section 36 to the point of beginning.


Containing a total of 39.913 acres.

Town of Center Tax Parcel to be annexed: 040098200.

The current population of such territory is 0.

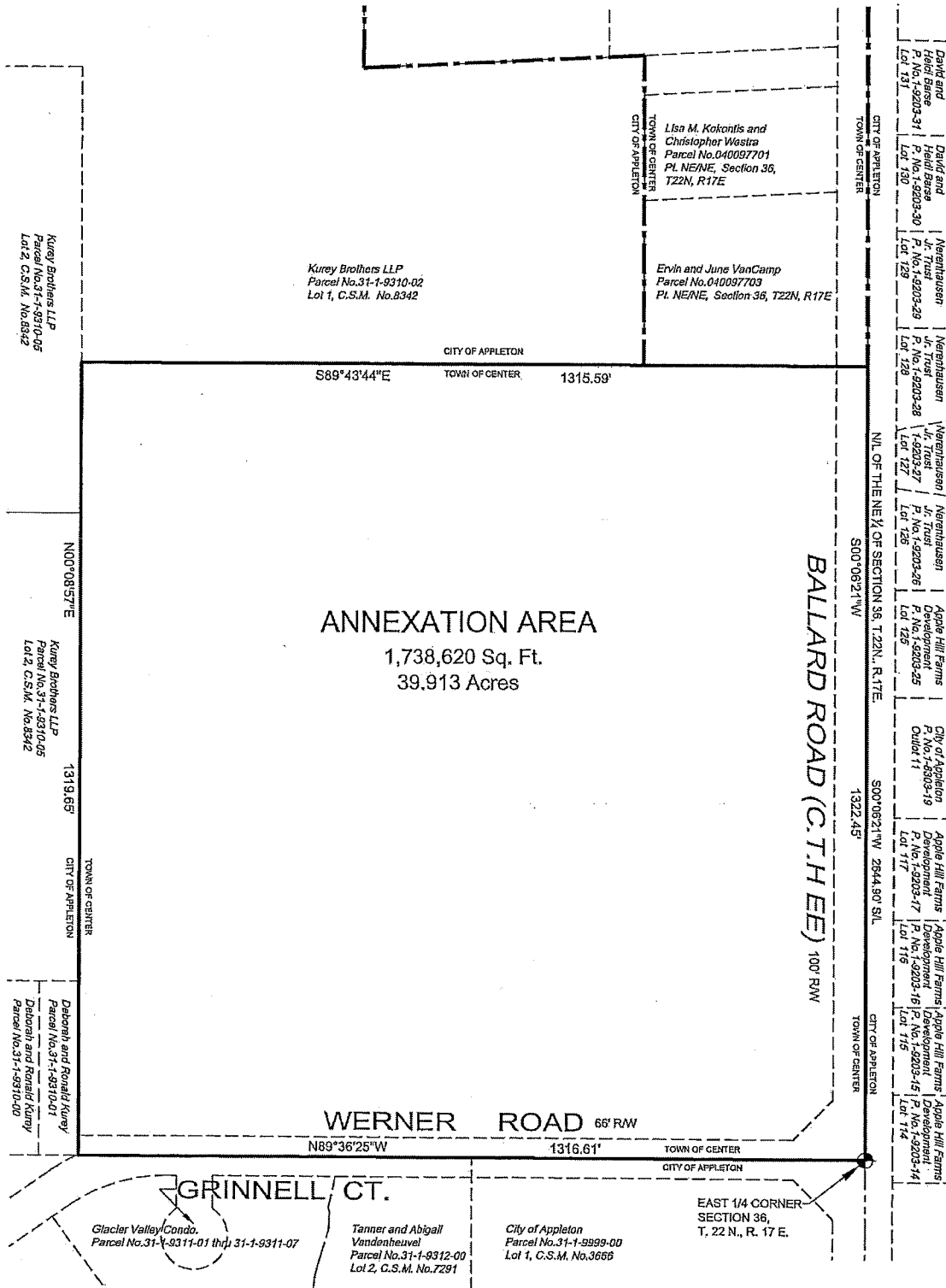
I/We further respectfully request that the City Plan Commission initiate a rezoning for the subject property from temporary AG Agricultural District to a zoning classification of R-3 Multifamily District which is consistent with the current *Comprehensive Plan 2010-2030* Future Land Use Map.

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.

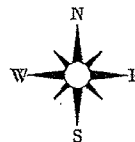
Signature of Petitioner	Owner	Date of Signing	Address of Petitioner (Include Zip Code)
	Seville Properties, LLC Ryan P. Radue, President/Chief Executive Officer (Registered Agent)	2-10-23	2585 S. Broadway Green Bay, WI 54304-5365
Ryan P. Radue			

ANNEXATION

The Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼),
Section 36, Township 22 North, Range 17 East, Town of Center,
Outagamie County, Wisconsin.



BEARINGS ARE REFERENCED TO THE
WISCONSIN COUNTY COORDINATE
SYSTEM, OUTAGAMIE COUNTY, EAST LINE
OF THE NE ¼ SECTION 36, T. 22 N., R. 17 E.;
WHICH BEARS N00°06'21"E
H:\Acad\Annex\2023\Seville Properties_2023



CITY OF APPLETON
DEPT. OF PUBLIC WORKS
ENGINEERING DIVISION
100 NORTH APPLETON STREET
APPLETON, WI 54911
920-832-6474
DRAFTED BY: T. KROMM

ANNEXATION FACT SHEET

NAME: Seville Properties Ballard & Werner Road Annexation FILED: 2-13-23

*ORDINANCE NUMBER: _____

*EFFECTIVE: _____

ACREAGE: 39.913 acres

POPULATION: 0

LOCATION: N2751 County Rd EE - Appleton, WI 54913

TOWN OF: CENTER

COUNTY: OUTAGAMIE

*ALDERMANIC DISTRICT 13

*WARD: 38

SCHOOL: FREEDOM SCHOOL DISTRICT

PLAN COMMISSION APPROVAL: _____

NAME OF OWNER OR ELECTOR	ADDRESS	<u>POPULATION</u>		ZONING	OWNER/ ELECTOR
		Adults	Children		
Seville Properties, LLC Ryan P. Radue, President/Chief Executive Officer (Registered Agent) (920)569-6355 ext.121	2585 S. Broadway Green Bay, WI 54304-5365	0	0	Temp AG, will be rezoned to R-3	Owner
TOTALS		0	0		

* City Clerks office provides data

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>

Seville Properties Ballard & Werner Road Annexation

Petitioner: Seville Properties, LLC [Ryan P. Radue, President/Chief Executive Officer (Registered Agent)] Petition Number:

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

2. Area (Acres): 39.913 Acres

3. Pick one: ☒ Property Tax Payments

OR ☐ Boundary Agreement

a. Annual town property tax on territory to be annexed:

a. Title of boundary agreement
Intermunicipal Agreement

As shown by the tax roll under Wis. Stats. Section 70.65 in the year in which the annexation is final.

b. Year adopted

b. Total that will be paid to Town of Center:

c. Participating jurisdictions
City of Appleton and Town of _____

(Annual tax multiplied by 5 years): The payment will be determined by the City Finance Director after the annexation is final per above statement.

d. Statutory authority

c. Paid by: ☐ Petitioner ☒ City ☐ Village
☐ Other: _____

4. Resident Population: 0 Electors: 0 Total: 0

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

Residential Home: 1% Agricultural: 99%

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

Comments: Anticipated mix of residential/public uses: one-family, zero-lot line duplex, two-family and multifamily residential and public park.

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?

In the City?: 1) North: Agricultural, 2) South: Single-family Residential, Undeveloped Land and City Water Tower facility, 3) East: Single-family Residential, 4) West: Single-family Residential and Agricultural

In the town?: 1) North: 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 ☒ Yes ☐ No Town ☐ Yes ☒ No

If yes, approximate timetable for providing service: City 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: Possible new lift station, force main, extension of storm sewer main, but this depends on how the property is developed. A development/feasibility plan has not been submitted for City review; cost estimates have not been calculated.

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? (Town of Center Zoning): (General Agricultural – Outagamie County Jurisdiction Zoning)

c. How will the land be zoned and used if annexed? (R-3 Multifamily residential, subject to Common Council approval (City of Appleton Zoning) Anticipated uses are a mix of uses: one-family, zero-lot line duplex, two-family and multifamily residential and public park.

12. Elections: ☐ New ward or ☒ Existing ward? Will the annexation create a new ward or join an existing ward? Per Appleton City Clerk, the subject property would be located in Ward 38 (existing) and Aldermanic District 13.

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: The subject property is located within the current Appleton Sewer Service Area boundary.

Prepared by: ☐ Town ☒ City ☐ Village

Name: Don Harp, Principal Planner

Email: don.harp@appleton.org

Phone: 920-832-6466

Date: 2-13-23

Please **RETURN PROMPTLY** to:

wimunicipalboundaryreview@wi.gov

Municipal Boundary Review

PO Box 1645, Madison WI 53701

Fax: (608) 264-6104

(March 2018)

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>

Seville Properties Ballard & Werner Road Annexation

Petitioner: Seville Properties, LLC [Ryan P. Radue, President/Chief Executive Officer (Registered Agent)] Petition Number:

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

2. Area (Acres): 39.913 Acres

3. Pick one: ☒ Property Tax Payments

OR ☐ Boundary Agreement

a. Annual town property tax on territory to be annexed:

a. Title of boundary agreement
Intermunicipal Agreement

As shown by the tax roll under Wis. Stats. Section 70.65 in the year in which the annexation is final.

b. Year adopted

b. Total that will be paid to Town of Center:

c. Participating jurisdictions
City of Appleton and Town of _____

(Annual tax multiplied by 5 years): The payment will be determined by the City Finance Director after the annexation is final per above statement.

d. Statutory authority

c. Paid by: ☐ Petitioner ☒ City ☐ Village
☐ Other: _____

4. Resident Population: 0 Electors: 0 Total: 0

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

Residential Home: 1% Agricultural: 99%

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

Comments: Anticipated mix of residential/public uses: one-family, zero-lot line duplex, two-family and multifamily residential and public park.

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?

In the City?: 1) North: Agricultural, 2) South: Single-family Residential, Undeveloped Land and City Water Tower facility, 3) East: Single-family Residential, 4) West: Single-family Residential and Agricultural

In the town?: 1) North: 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 ☒ Yes ☐ No Town ☐ Yes ☒ No

If yes, approximate timetable for providing service: City 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: Possible new lift station, force main, extension of storm sewer main, but this depends on how the property is developed. A development/feasibility plan has not been submitted for City review; cost estimates have not been calculated.

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? (Town of Center Zoning): (General Agricultural – Outagamie County Jurisdiction Zoning)

c. How will the land be zoned and used if annexed? (R-3 Multifamily residential, subject to Common Council approval (City of Appleton Zoning) Anticipated uses are a mix of uses: one-family, zero-lot line duplex, two-family and multifamily residential and public park.

12. Elections: ☐ New ward or ☒ Existing ward? Will the annexation create a new ward or join an existing ward? Per Appleton City Clerk, the subject property would be located in Ward 38 (existing) and Aldermanic District 13.

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: The subject property is located within the current Appleton Sewer Service Area boundary.

Prepared by: ☐ Town ☒ City ☐ Village

Name: Don Harp, Principal Planner

Email: don.harp@appleton.org

Phone: 920-832-6466

Date: 2-13-23

Please **RETURN PROMPTLY** to:

wimunicipalboundaryreview@wi.gov

Municipal Boundary Review

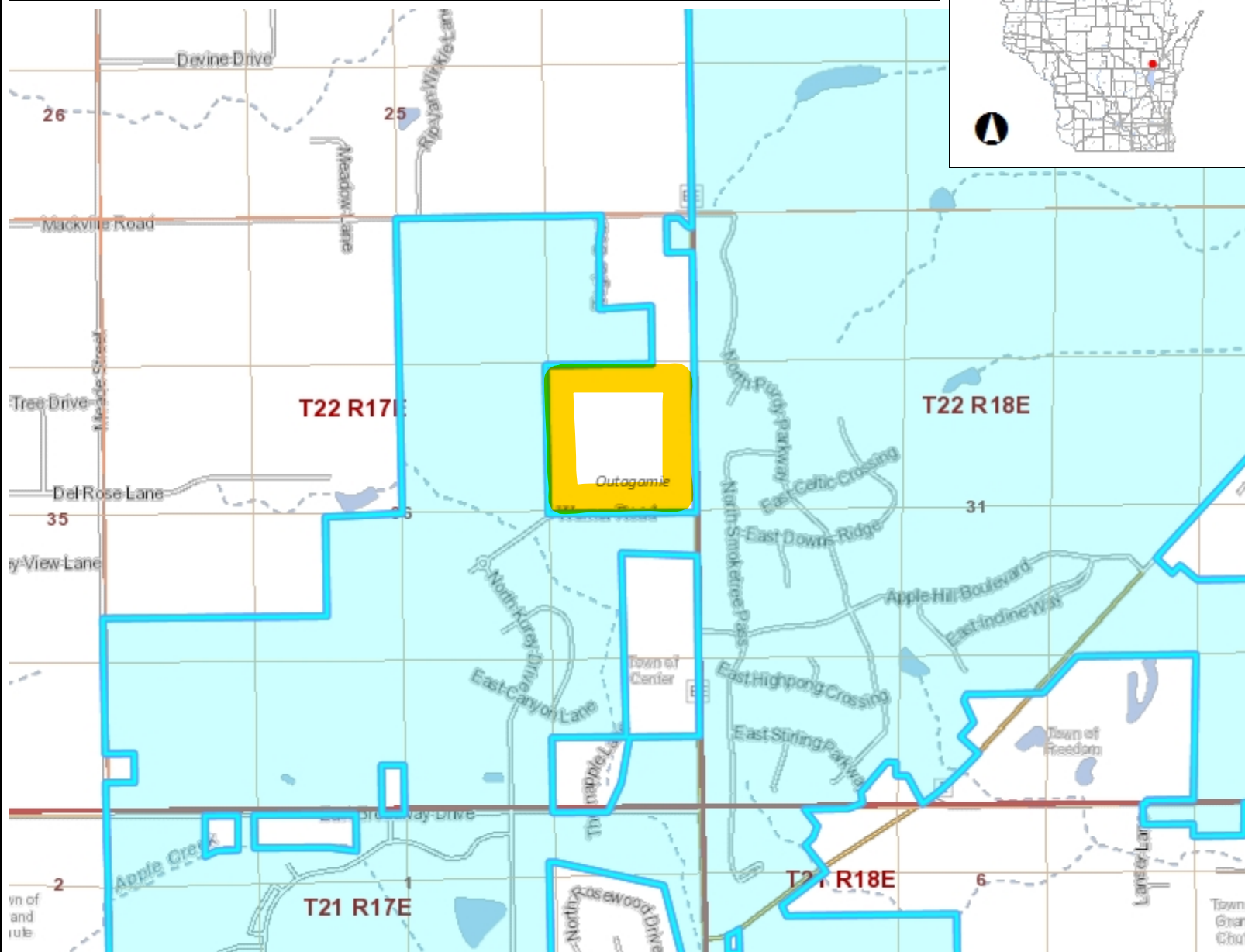
PO Box 1645, Madison WI 53701

Fax: (608) 264-6104

(March 2018)



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

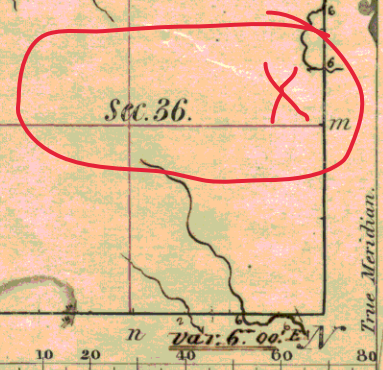
Notes

0.5 0 0.25 0.5 Miles

NAD_1983_HARN_Wisconsin_TM

1: 15,840

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/>



The above Map of Township No 22 North, of Range No 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

Total number of acres: 22,547.10					
Surveys Designated	By Whom Surveyed	Date of Contract	Amount of Surveys	When Surveyed	When paid for and ch ^d in the Sur ^t Gen ^{ls} acc ^t
Township lines	A. G. Ellis	May 18, 1843	M. 23. Ch ^s . 65. Lks. 95	2 nd Q ^r 1843	1 st Q ^r 1844
Subdivisions	Theodore Conkey	Aug. 8, 1843	57. 62. 66	4 th q ^r 1843	4 th Q ^r 1844



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>

March 10, 2023

PETITION FILE NO. 14569

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

AMY L OLSON, CLERK
TOWN OF CENTER
N3990 STATE ROAD 47
APPLETON, WI 54913-8484

Subject: SEVILLE PROPERTIES ANNEXATION

The proposed annexation submitted to our office on February 21, 2023, 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.

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 14569 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=2643>
Please call me at (608) 264-6102, should you have any questions concerning this annexation review.

Sincerely,

Erich Schmidtke, Municipal Boundary Review

cc: petitioner