CITY OF STOUGHTON, 207 S. Forrest Street, Stoughton, WI 53589

ORDINANCE OF THE COMMON COUNCIL			
AN ORDINANCE PROVIDING FOR THE DIRECT ANNEXATION BY UNANIMOUS APPROVAL OF A PORTION OF THE TOWN OF RUTLAND TO THE CITY OF STOUGHTON, DANE COUNTY, WISCONSIN			
Committee Action:	Plan Commission recommends Council approval unanimously		
Fiscal Impact:	Unknown		
File Number:	O -2- 2021	**First Reading:**	January 12, 2021
		Second Reading:	January 26, 2021

RECITALS

A. JUNCTION 138, LLC ("Owner") owns land in the Town of Rutland (parcel #052/0510-121-8031-0) as described in Exhibit A and shown in Exhibit B (the "Territory") and is seeking to annex the Territory by unanimous approval to the City of Stoughton, pursuant to Wis. Stat. § 66.0217(2).

B. The City of Stoughton Plan Commission has recommended that the Territory be annexed to the City, and that the Territory be assigned a temporary zoning classification of RH - Rural Holding.

C. The proposed annexation has been reviewed by the Wisconsin Department of Administration (MBR #14356) and has been determined to be in the public interest.

D. The population of the proposed land is 0.

E. The annexation represents approximately 1.152 acres from the Town of Rutland.

NOW, THEREFORE, the Common Council of the City of Stoughton, Dane County, Wisconsin, does ordain as follows:

ORDINANCE

1. Recitals. The above recitals are material to and are incorporated in this Ordinance.

2. Territory Annexed. The Territory is annexed by unanimous approval to the City of Stoughton pursuant to Wis. Stat. § 66.0217(2).

3. Effect of Annexation. From and after the effective date of this ordinance, the Territory shall be a part of the City of Stoughton 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 Stoughton.

4. Temporary Zoning Designation. The Territory shall be temporarily zoned R-H Rural Holding.

5. Ward Designation. The Territory shall be added to Ward No. 5 of the City of Stoughton.

6. Clerk Duties. The City Clerk is hereby directed to publish notice of and provide copies of this Ordinance in accordance with the applicable Wisconsin Statutes.

7. Effective Date. This ordinance shall take effect upon passage and publication as provided by law.

APPROVED:

By:_____
Tim Swadley, Mayor

ATTEST:

_____
Holly Licht, City Clerk

APPROVED: _____
PUBLISHED: _____

EXHIBIT A

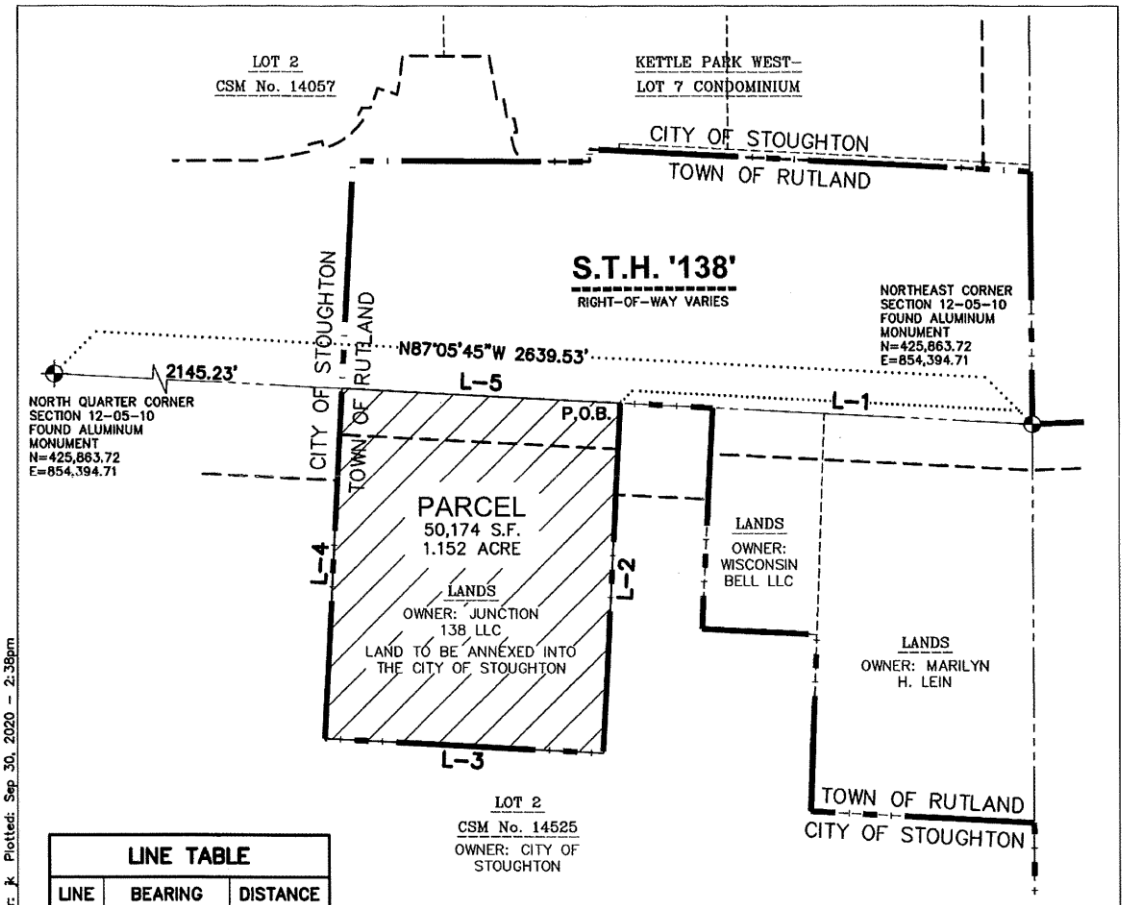
LEGAL DESCRIPTION

Part of the Northeast Quarter of the Northeast Quarter of Section 12, Township 05 North, Range 10 East, Town of Rutland, Dane County, Wisconsin, more particularly described as follows:

Commencing at the Northeast corner of Section 12, aforesaid; thence North 87 degrees 05 minutes 45 seconds West along the North line of the Northeast Quarter, aforesaid, 294.30 feet to the Point of Beginning; thence South 02 degrees 53 minutes 47 seconds West, 250.87 feet; thence North 87 degrees 05 minutes 45 seconds West, 200.00 feet; thence North 02 degrees 53 minutes 47 seconds East, 250.87 feet to the North line of the Northeast Quarter; thence South 87 degrees 05 minutes 45 seconds East along said line, 200.00 feet to the Point of Beginning.

Containing 50,174 square feet or 1.152 acres.

EXHIBIT B



LINE TABLE		
LINE	BEARING	DISTANCE
L-1	N87°05'45"W	294.30'
L-2	S02°53'47"W	250.87'
L-3	N87°05'45"W	200.00'
L-4	N02°53'47"E	250.87'
L-5	S87°05'45"E	200.00'

LEGEND

- GOVERNMENT CORNER
- ANNEXATION BOUNDARY
- CORPORATE BOUNDARY
- CENTERLINE
- RIGHT-OF-WAY LINE
- SECTION LINE
- PLATTED LOT LINE

NOTES

1. BEARINGS FOR THIS MAP ARE REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM, DANE COUNTY. THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 12-05-10, RECORDED AS N87°05'45"W.

north

0 50' 100'

SCALE: 1" = 100'

File: I:\2019\157019\DWG\Sheets\157019 Annexation.dwg Layout: Annexation User: jk Plotted: Sep 30, 2020 - 2:38pm

JSD Professional Services, Inc.
Engineers • Surveyors • Planners
MADISON REGIONAL OFFICE
161 HORIZON DRIVE, SUITE 101
VERONA, WISCONSIN 53593
P. 608.848.5060

PROJECT:	SHEET TITLE:	JSD PROJECT NUMBER:	SHEET NUMBER:
JUNCTION 138 TOWN OF RUTLAND, WI	ANNEXATION MAP	15-7019 DRAWN BY: JK CHECKED BY: TJB DATE: SEPT. 30, 2020	1

CARLSON BLACK

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

October 19, 2020

VIA U.S. MAIL

RECEIVED
October 22, 2020
Municipal Boundary Review
Wisconsin Dept. of Admin.

Attn: Municipal Boundary Review
Department of Administration
State of Wisconsin
PO Box 1645
Madison WI 53701

Re: Annexation Petition filed by Junction 138, LLC with the City of Stoughton

Dear Sir or Madam:

Enclosed please find a copy of the annexation petition recently filed with the City of Stoughton by Junction 138, LLC concerning property currently located within the Town of Rutland.

Very truly yours,

CARLSON BLACK O'CALLAGHAN & BATTENBERG LLP

Dan O'Callaghan

Daniel O'Callaghan

Enclosure

COPY

RECEIVED
OCT 29 2020
Municipal Boundary Review
Wisconsin Department of Administration

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 Exhibit A and depicted on the scale map attached as Exhibit B, 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 includes the following tax parcel: 052/0510-121-8031-0. 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 30th day of September, 2020.

OWNER:

JUNCTION 138, LLC

By: David M. Jenkins

David M. Jenkins, Manager

EXHIBIT A

LEGAL DESCRIPTION

Part of the Northeast Quarter of the Northeast Quarter of Section 12, Township 05 North, Range 10 East, Town of Rutland, Dane County, Wisconsin, more particularly described as follows:

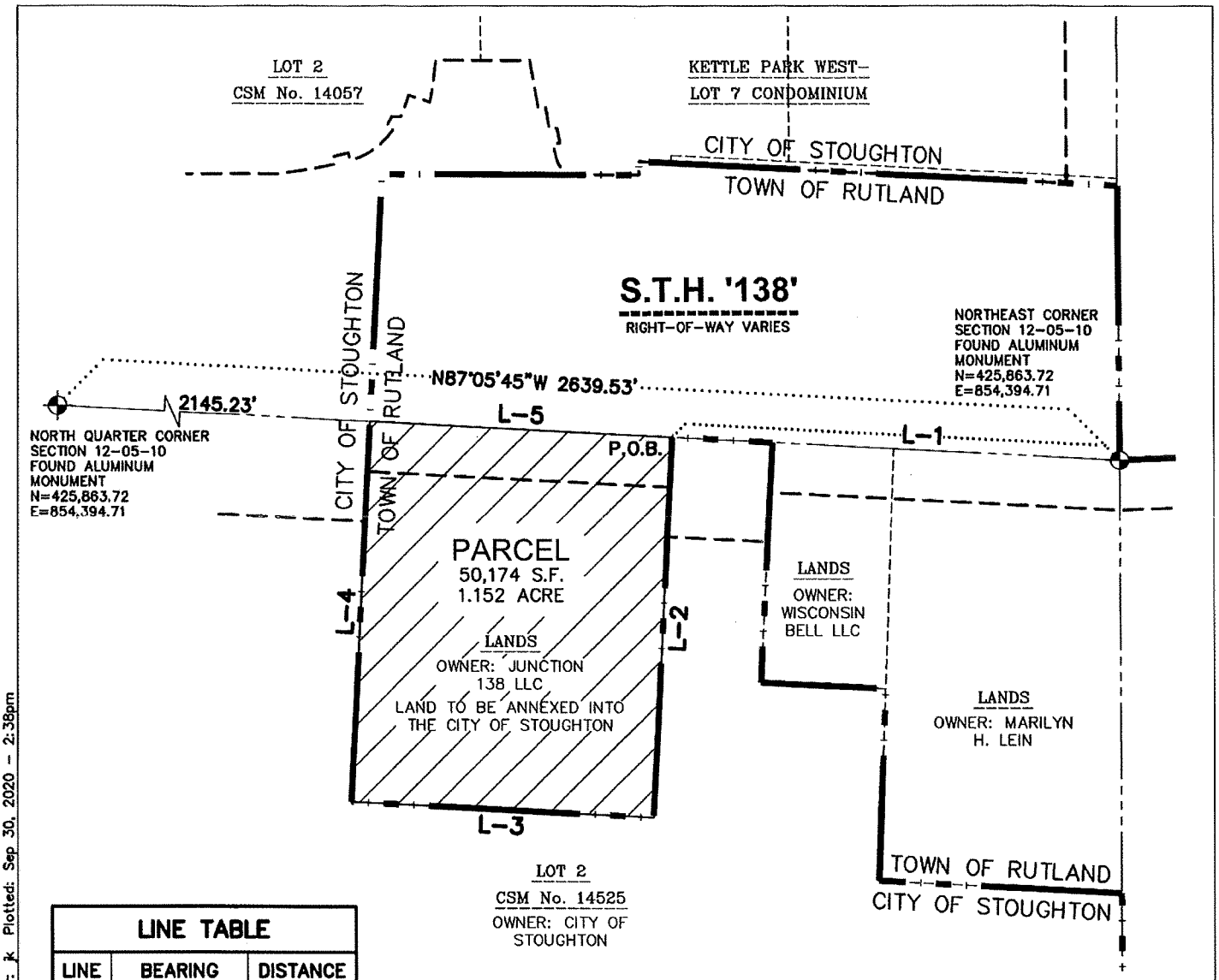
Commencing at the Northeast corner of Section 12, aforesaid; thence North 87 degrees 05 minutes 45 seconds West along the North line of the Northeast Quarter, aforesaid, 294.30 feet to the Point of Beginning; thence South 02 degrees 53 minutes 47 seconds West, 250.87 feet; thence North 87 degrees 05 minutes 45 seconds West, 200.00 feet; thence North 02 degrees 53 minutes 47 seconds East, 250.87 feet to the North line of the Northeast Quarter; thence South 87 degrees 05 minutes 45 seconds East along said line, 200.00 feet to the Point of Beginning.

Containing 50,174 square feet or 1.152 acres.

EXHIBIT B

SCALE MAP

[Attached]



LINE TABLE		
LINE	BEARING	DISTANCE
L-1	N87°05'45"W	294.30'
L-2	S02°53'47"W	250.87'
L-3	N87°05'45"W	200.00'
L-4	N02°53'47"E	250.87'
L-5	S87°05'45"E	200.00'

LEGEND

- GOVERNMENT CORNER
- ANNEXATION BOUNDARY
- CORPORATE BOUNDARY
- CENTERLINE
- RIGHT-OF-WAY LINE
- SECTION LINE
- PLATTED LOT LINE

NOTES

1. BEARINGS FOR THIS MAP ARE REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM, DANE COUNTY. THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 12-05-10, RECORDED AS N87°05'45"W.

north

0 50' 100'

SCALE: 1" = 100'

File: I:\2019\157019\DWG\Sheets\157019 Annexation.dwg Layout: Annexation User: jk Plotted: Sep 30, 2020 - 2:38pm

JSD Professional Services, Inc.
• Engineers • Surveyors • Planners
MADISON REGIONAL OFFICE
161 HORIZON DRIVE, SUITE 101
VERONA, WISCONSIN 53593
P. 608.848.5060

PROJECT:	SHEET TITLE:	JSD PROJECT NUMBER:	SHEET NUMBER:
JUNCTION 138	ANNEXATION MAP	15-7019	1
TOWN OF RUTLAND, WI		DRAWN BY: JK / CHECKED BY: TJB	
		DATE: SEPT. 30, 2020	

Request for Annexation Review

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 Information

Name: **JUNCTION 138, LLC**

Address: **C/O FORWARD DEVELOPMENT GROUP, LLC**
161 HORIZON DR., STE. 101A
VERONA, WI 53593

Email: **DMJ@FORWARDDEVGROUP.COM**

Office use only:

RECEIVED
NOV 6 2020
Municipal Boundary Review
Wisconsin Dept. of Admin.

1. Town where property is located: **RUTLAND**
2. Petitioned City or Village: **STOUGHTON**
3. County where property is located: **DANE**
4. Population of the territory to be annexed: **0**
5. Area (in acres) of the territory to be annexed: **1.152**
6. Tax parcel number(s) of territory to be annexed (if the territory is part or all of an existing parcel): **052/0510-121-8031-0**

Petitioners phone: **608-848-9050**

Town clerk's phone: **608-455-3925**

City/Village clerk's phone: **608-873-6677**

Contact Information if different than petitioner:

Representative's Name and Address:
ATTY. DAN O'CALLAGHAN
CARLSON BLACK O'CALLAGHAN & BATTENBERG , LLP
222 W. WASHINGTON AVE., STE., 705
MADISON, WI 53703
Phone: **608-888-1685**
E-mail: **DAN.OCALLAGHAN@CARLSONBLACK.COM**

Surveyor or Engineering Firm's Name & Address:
JSD PROFESSIONAL SERVIES, INC.
161 HORIZON DR.
VERONA, WI
Phone: **608-848-5060**
E-mail:

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]

(2012)

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)**

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 AND REVIEW FEE

Shaded Area for Office Use Only

Date fee received: 11-6-2020

Payee: Junction 138 LLC

Check Number: 1317

Check Date: 10-30-20

Amount: $400.00

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 09, 2020 PETITION FILE NO. 14356

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: JUNCTION 138 LLC ANNEXATION

Section 66.0217 (6), Wis. Stats., provides that the annexation of lands to cities and villages within a county having a population of 50,000 or more shall be reviewed by the Department of Administration in order to determine if the proposed annexation is in the public interest or against the public interest. The proposed annexation from the TOWN OF RUTLAND to the CITY OF STOUGHTON (see attached description) must be reviewed pursuant to the statute.

To assist us in making this determination, we urge that you promptly supply the data requested on the enclosed questionnaire (where possible) and return the questionnaire to the department.

The purpose of this questionnaire is to assist the department in determining "Whether the governmental services, including zoning, to be supplied to the territory could clearly be better supplied by the town...." The statute further stipulates that the department shall study the "shape of the proposed annexation and the homogeneity of the territory with the annexing municipality." In addition, we would appreciate receiving from you any comments or information bearing on governmental services or shape and homogeneity that would indicate whether the annexation is in or against the public interest.

Please return the questionnaire as soon as possible so that the information can be reviewed prior to the department's statutory deadline of November 27, 2020. Direct any questions and comments to Erich Schmidtke at (608) 264-6102. Thank you for your cooperation.

For additional information on annexation or other land use issues, visit our web site at http://doa.wi.gov/municipalboundaryreview/.

Sincerely,

Erich Schmidtke

Enclosures

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 24, 2020 PETITION FILE NO. 14356

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: JUNCTION 138 LLC ANNEXATION

The proposed annexation submitted to our office on November 06, 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.

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 14356 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=2430
Please call me at (608) 264-6102, should you have any questions concerning this annexation review.

Sincerely,

Erich Schmidtke, Municipal Boundary Review cc: petitioner

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: **Junction 138 LLC** Petition Number: **14356**

1. Territory to be annexed: From **TOWN OF RUTLAND** To **CITY OF STOUGHTON**

2. Area (Acres): 1.152

3. Pick one: ☒ Property Tax Payments **OR** ☐ Boundary Agreement

a. Annual town property tax on territory to be annexed:
$ 519.93

b. Total that will be paid to Town
(annual tax multiplied by 5 years): $2,569.65

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

a. Title of boundary agreement _____

b. Year adopted _____

c. Participating jurisdictions _____

d. Statutory authority (pick one)
☐ s.66.0307 ☐ s.66.0225 ☐ s.66.0301

4. Resident Population: Electors: 0 Total: 0

5. Approximate **present land use** of territory:
Residential: ____% Recreational: ____% Commercial: ____% Industrial: ____%
Undeveloped: 100 %

6. If territory is undeveloped, what is the **anticipated use**?
Residential: ____% Recreational: ____% Commercial: 65 % Industrial: ____%
Other: 35 %
Comments: About 35% will be used for right-of-way to create leg of roundabout.

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

8. What is the **nature of land use adjacent** to this territory in the city or village?
The City owns the land on the east, south & west side of the parcel. Commercial development exists to the north
In the town?: _____

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?

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.	1	

An Urban Service Area Amendment is necessary before extension of services to this property.

Water Supply immediately	☐	☐
or, write in number of years.	1	

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 This area has been factored into growth Plans for the City. Sewer & water infrastructure will need to be extended to this property. once development plans are submitted the City will evaluate further.

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? County Zoning RR-1

c. How will the land be zoned and used if annexed? It will likely be zoned Planned Business

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

The proposed annexation is included in the City's Comprehensive Plan to become part of the City. This parcel is contiguous to Stoughton Municipal Boundaries.

Prepared by: ☐ Town ☒ City ☐ Village

Name: Rodney Scheel

Email: rjscheel@ci.stoughton.wi.us

Phone: (608) 873-6619

Date: 11/18/2020

Please **RETURN PROMPTLY** to:

wimunicipalboundaryreview@wi.gov

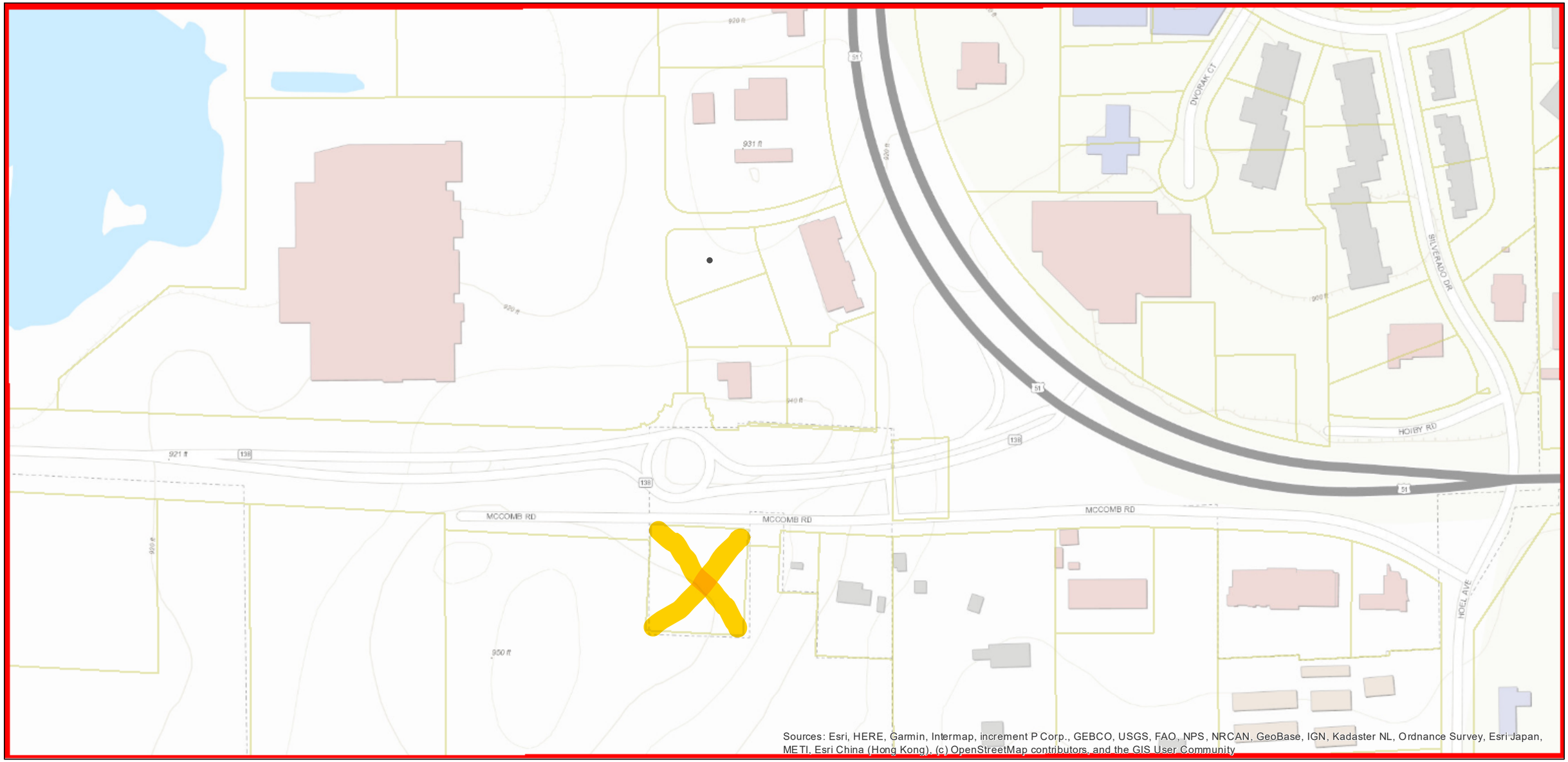
Municipal Boundary Review

PO Box 1645, Madison WI 53701

Fax: (608) 264-6104

(March 2018)

Junction 138 LLC Annexation



November 24, 2020

Dane County Mask

- Dane County Mask
- Parcels

0 125 250 500 Feet

N