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-1- 2021	**First Reading:**	January 12, 2021
		Second Reading:	January 26, 2021

RECITALS

A. Kettle Park West LLC ("Owner") owns land in the Town of Rutland as described in Exhibit A and shown in Exhibit B (the "Territory") and is seeking to annex the Territory (part of parcel #052/0510-013-8385-0) 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 zoning classification of I – Institutional (Park).

C. The proposed annexation has been reviewed by the Wisconsin Department of Administration (MBR #14357) to and has been determined to be in the public interest.

D. The population of the annexation area is 0.

E. The annexation represents approximately 4.010 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 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. Zoning Designation. The Territory shall be zoned I – Institutional (Park).

5. Ward Designation. The Territory shall be added to Ward No. 9 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

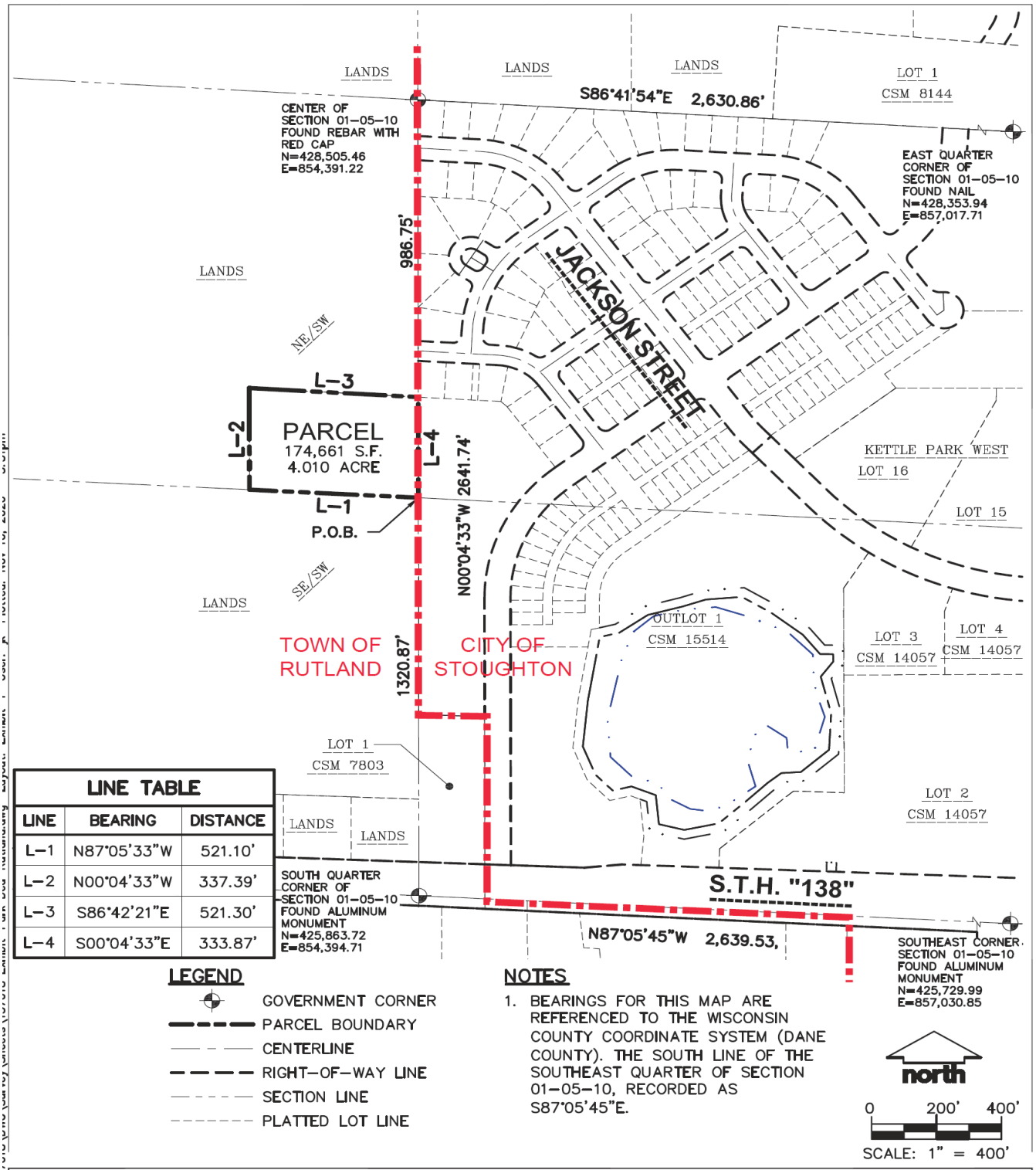
PARKLAND DEDICATION
Legal Description

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:

Commencing at the South Quarter corner of Section 01, aforesaid; thence North 00 degrees 04 minutes 33 seconds West along the East line of the Southwest Quarter, aforesaid, 1320.87 feet to the Southeast corner of the Northeast Quarter of the Southwest Quarter, also being the Point of Beginning; thence North 87 degrees 05 minutes 33 seconds West along the South line of the Northeast Quarter of the Southwest Quarter of Section 01, aforesaid, 521.10 feet; thence North 00 degrees 04 minutes 33 seconds West, 337.39 feet; thence South 86 degrees 42 minutes 21 seconds East, 521.30 feet to the East line of the Southwest Quarter of Section 01, aforesaid; thence South 00 degrees 04 minutes 33 seconds East along said line, 333.87 feet to the Point of Beginning.

Containing 174,661 square feet or 4.010 acres.

EXHIBIT B



LINE TABLE

LINE	BEARING	DISTANCE
L-1	N87°05'33"W	521.10'
L-2	N00°04'33"W	337.39'
L-3	S86°42'21"E	521.30'
L-4	S00°04'33"E	333.87'

LEGEND

- GOVERNMENT CORNER
- PARCEL 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 SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 01-05-10, RECORDED AS S87°05'45"E.

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

PROJECT: KETTLE PARK WEST, LLC
161 HORIZON DRIVE, SUITE 101A
VERONA, WI 53593

SHEET TITLE: PARKLAND DEDICATION SCALE MAP

JSD PROJECT NUMBER: 15-7018
DRAWN BY: CJO
CHECKED BY: TJB
DATE: MAY 12, 2020
SHEET NUMBER:

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: **KETTLE PARK WEST, 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 Dep. 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: **4.010**
6. Tax parcel number(s) of territory to be annexed (if the territory is part or all of an existing parcel): **052/051001383850**

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

$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 AND REVIEW FEE

Shaded Area for Office Use Only

Date fee received: 11-6-2020

Payee: Kettle Park West LLC

Check Number: 2002

Check Date: 10-30-20

Amount: $950.00

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

November 10, 2020

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

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

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 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 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: _____
David M. Jenkins, Manager

JSD Professional Services, Inc.
• Engineers • Surveyors • Planners

Madison Regional Office
161 Horizon Drive, Suite 101
Verona, WI 53593
608.848.5060

PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 01, TOWNSHIP 05 NORTH, RANGE 10 EAST, DANE COUNTY, WISCONSIN

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:

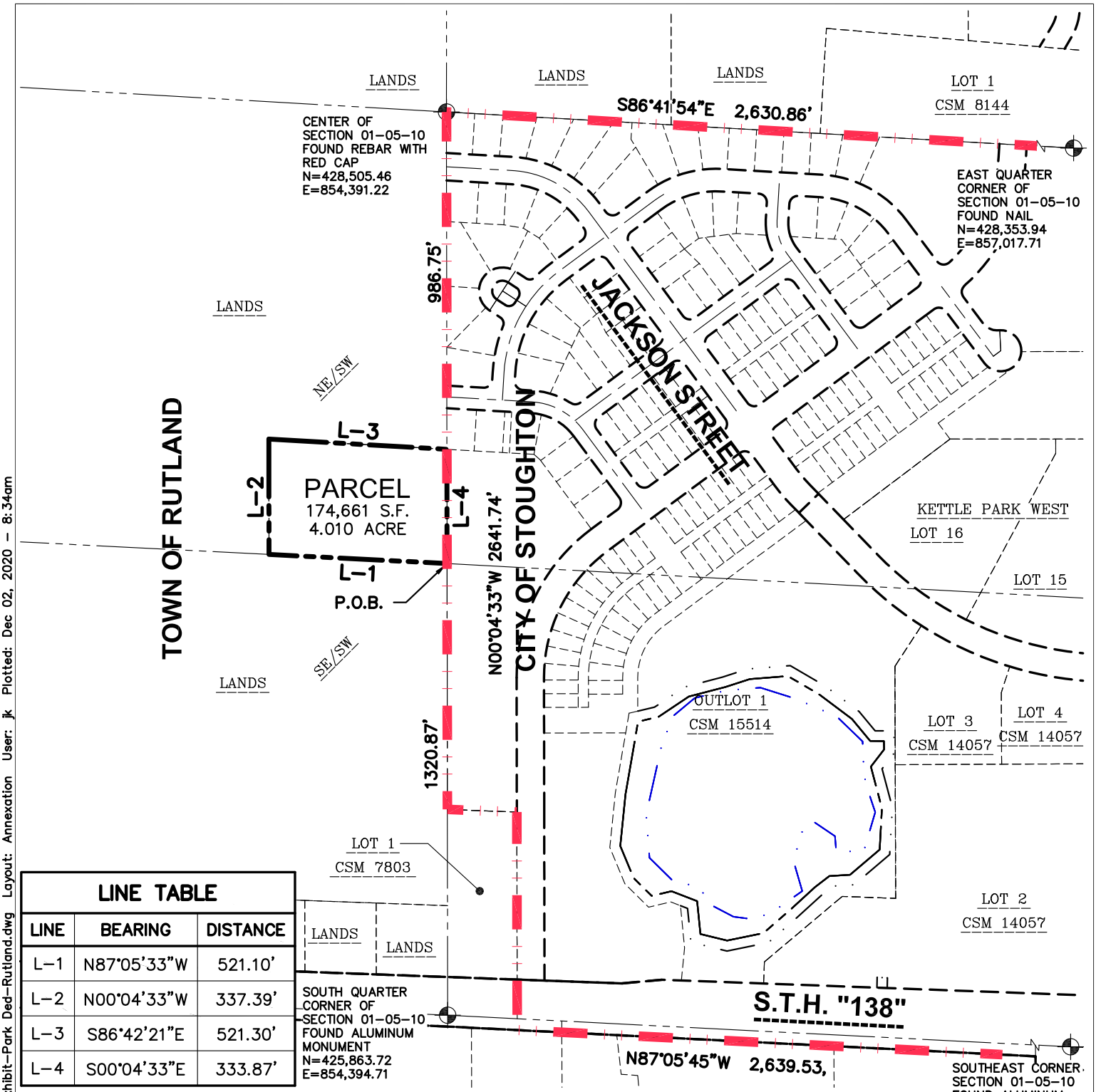
Commencing at the South Quarter corner of Section 01, aforesaid; thence North 00 degrees 04 minutes 33 seconds West along the East line of the Southwest Quarter, aforesaid, 1320.87 feet to the Southeast corner of the Northeast Quarter of the Southwest Quarter, also being the Point of Beginning; thence North 87 degrees 05 minutes 33 seconds West along the South line of the Northeast Quarter of the Southwest Quarter of Section 01, aforesaid, 521.10 feet; thence North 00 degrees 04 minutes 33 seconds West, 337.39 feet; thence South 86 degrees 42 minutes 21 seconds East, 521.30 feet to the East line of the Southwest Quarter of Section 01, aforesaid; thence South 00 degrees 04 minutes 33 seconds East along said line, 333.87 feet to the Point of Beginning.

Containing 174,661 square feet or 4.010 acres.

EXHIBIT B

SCALE MAP

[Attached]



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LEGEND

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

NOTES

1. BEARINGS FOR THIS MAP ARE REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM (DANE COUNTY). THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 01-05-10, RECORDED AS S87°05'45"E.

north

0 200' 400'

SCALE: 1" = 400'

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

PROJECT: KETTLE PARK WEST, LLC

161 HORIZON DRIVE, SUITE 101A
VERONA, WI 53593

SHEET TITLE: ANNEXATION PARCEL

JSD PROJECT NUMBER: 15-7018

DRAWN BY: JK CHECKED BY: TJB

DATE: NOV. 10, 2020

SHEET NUMBER: 2 OF 2

File: I:\2019\157018\DWG\Survey\Sheets\157018 Exhibit-Park Ded-Rutland.dwg Layout: Annexation User: jk Plotted: Dec 02, 2020 - 8:34am

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 12, 2020 PETITION FILE NO. 14357

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

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 30, 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

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): 4.010

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

a. Annual town property tax on territory to be annexed:
$ to be confirmed but estimated to be < $10/year

b. Total that will be paid to Town
(annual tax multiplied by 5 years): estimated $50

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: 100 % Commercial: ____% Industrial: ____%
Other: ____%
Comments: The City anticipates this parcel to be used for park & open space purposes.

7. Has a ☐ preliminary or ☐ final plat been submitted to the Plan Commission: ☐ Yes ☒ No
Plat Name: Not for this parcel specifically but is adjacent to The Meadows at Kettle Park West.

8. What is the **nature of land use adjacent** to this territory in the city or village?
E - Adjacent to City Property planned for Park & open space.
In the town?: N & W - Ag ; S - General Farmland Preservation Zoning

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 Expansion of City Park & Open Space

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.	5	____

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

Water Supply immediately	☐	☐
or, write in number of years.	5	____

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? County Zoning FP-35 General Farmland Preservation

c. How will the land be zoned and used if annexed? RH - Rural Holding to start then likely Institutional (Park)

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 and adjacent to City-owned land.

Prepared by: ☐ Town ☒ City ☐ Village

Name: Rodney Scheel

Email: rjscheel@ci.stoughton.wi.us

Phone: (608) 873-6619

Date: 11/24/2020

Please **RETURN PROMPTLY** to:

wimunicipalboundaryreview@wi.gov

Municipal Boundary Review

PO Box 1645, Madison WI 53701

Fax: (608) 264-6104

(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 PETITION FILE NO. 14357

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 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=2431
Please call me at (608) 264-6102, should you have any questions concerning this annexation review.

Sincerely,

Erich Schmidtke, Municipal Boundary Review cc: petitioner